

S.Rajaseekaran vs Union Of India And Ors. on 30 November, 2017

Equivalent citations: AIRONLINE 2017 SC 631

Author: Madan B. Lokur

Bench: Deepak Gupta, Madan B. Lokur

REPORT

IN THE SUPREME COURT OF INDIA

ORIGINAL APPELLATE JURISDICTION

WRIT PETITION (CIVIL) NO. 295 OF 2012

Dr. S. Rajaseekaran (II)

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Versus

Union of India & Ors.

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JUDGMENT

Madan B. Lokur, J.

1. In this petition under Article 32 of the Constitution Dr. S. Rajaseekaran, an orthopaedic surgeon, a public spirited citizen and President of the Indian Orthopaedic Association has, inter alia, prayed for enforcement of road safety norms and appropriate treatment of accident victims.

2. The petitioner states that in his capacity as Chairman and Head of Department of Orthopaedic Surgery, Ganga Hospital, Coimbatore, he witnesses daily, the acute loss of life and limbs caused by road accidents. He suggests that practical measures need to be taken in a time-bound and expeditious manner to give effect to legislations, reports and recommendations for ensuring that the loss of lives due to road accidents is minimized. The petitioner estimates that 90% of the problem of deaths due to road accidents is the result of a lack of strict enforcement of safety rules on roads and strict punishment for those who do not obey rules. The petitioner has relied upon data published in December 2011 by the Ministry of Road Transport and Highways in its publication captioned „Road

Accidents in India 2010 to indicate that the number of road accidents is increasing every year and that unfortunately more than half the victims are in the economically active age group of 25-65 years.

3. Since the petitioner has no personal interest in the matter, the writ petition filed by him was taken up as a public interest litigation.

4. Initially, the Ministry of Road Transport and Highways opposed the writ petition but as the litigation progressed, the matter was looked at in a non-adversarial manner and considered as one in public interest.

5. In view of the non-adversarial stance of the Government of India, this Court passed an order on 22nd April, 2014 constituting a Committee on Road Safety under the Chairmanship of Justice K. S. Radhakrishnan, a former judge of this Court. The Committee was notified by the Ministry of Road Transport and Highways (MoRTH) of the Government of India on 30th May, 2014 and orders finalizing the terms and conditions of appointment of the Chairperson and Members of the Committee were issued on 8th August, 2014.

6. In compliance with the orders of this Court and notwithstanding bureaucratic delays and without having been provided adequate infrastructure and staff, the Committee commenced its work in earnest from 15th/16th May, 2014. The Committee has since submitted 12 reports to this Court but it is not necessary at present to deal with all these reports.

7. On 10th April, 2015 we recognized the exemplary work being done by the Committee and expressed the view that its recommendations need to be seriously discussed and debated. This was in the context of the fact that the number of deaths due to road accidents in the country was said to be over 100,000 in a year, which translates to about one death every three minutes and that the compensation awarded for deaths and other motor accident claims runs into hundreds of crores of rupees.

8. However, it appeared to us that various State Governments were not responding positively to the recommendations made by the Committee and accordingly the Secretary of the MoRTH was directed to call a meeting of his counterparts from all the States and Union Territories on or before 31st May, 2015 to deliberate on the reports prepared by the Committee as well as its recommendations, their implementation and further measures that could be taken.

9. We also noted that despite the lapse of a considerable period of time, the Government of India was unable to provide adequate facilities to the Committee even though a letter was sent by the learned Attorney General for India on 19th December, 2014 to the Revenue Secretary and the Urban Development Secretary of the Government of India. We are mentioning this fact only to highlight the casualness with which the Government of India was taking the directions of this Court, in spite of the importance of the work being carried out by the Committee and its non-adversarial stance. We may mention here that as of now, we have been informed that the Committee has been provided with all necessary facilities and support by the Government of India.

10. In the hearing on 26th August, 2016 we noted that in 2014 the number of persons who had died in road accidents was 139,671 and that this figure had jumped up in 2015 to 146,133.

11. Since we were informed by Mr. Gaurav Agrawal, Advocate who was requested to assist us as Amicus Curiae that the State Governments were still not cooperating with the Committee, we had no option but to again direct the Transport Secretaries of all States to attend a meeting to be convened by the Secretary of the MoRTH on 7th September, 2016. We had to, perforce, set the agenda for the meeting, that is, implementation of the recommendations of the Committee, keeping in mind the very large number of deaths taking place.

12. On 19th September, 2016 we noted that in the meeting chaired by the Secretary of the MoRTH convened on 2nd September, 2016 (instead of 7th September, 2016) only two or three Secretaries of the concerned Transport Ministries of the State Governments had participated and the rest of the State Governments were represented by junior officials and in some cases even the designation of these junior officials was not mentioned.

13. During this hearing, we sought to impress upon all concerned that road safety issues should be taken seriously both by the Central Government as well as by the State Governments. We also noted that huge amounts running into hundreds of crores of rupees had been earmarked for road safety and it was also highlighted that a very large number of deaths had been taking place due to road accidents. We noted that the insurance companies had spent an amount of Rs. 11,480 crores by way of compensation for deaths, injuries, third party property damage and other damage due to road accidents during the financial year 2015-16.

14. On 7th November, 2016 we again noted that there was one death almost every three minutes as a result of road accidents. Unfortunately, the legal heirs of half the victims were not compensated (perhaps being unaware of their entitlement). We expressed our distress at this unfortunate situation and had to remind all concerned that we were not dealing with an adversarial issue but a public interest litigation for the benefit of the common man particularly for the victims of road accidents and their legal heirs.

15. On 11th April, 2017 we were informed by the learned Amicus that the Government of India had woken up to the problems faced due to road accidents and had prepared a Bill for the amendment of the Motor Vehicles Act, 1988.

16. Thereafter, the learned Amicus prepared a chart in three columns:

First, relating to the issues that this Court had been dealing with in this public interest litigation; second the views expressed by the MoRTH on these issues, and third, the orders prayed for by the learned Amicus Curiae. A perusal of the chart indicates that fortunately, the Government of India has now begun considering the issues raised in the right spirit and in a non-adversarial manner and has accepted almost all the suggestions. Those that form a part of the Bill seeking to amend the Motor Vehicles Act, 1988 will be considered by Parliament. The tabular statement is

given below:

S. Issue contained in Views by Ministry of Road Orders prayed No. note of Amicus Curiae Transport & Highways by the AC i. Road Safety Policy: Ministry of Road Transport & Order Proposed:

Every State Highways is in agreement with The States / UTs Government shall the suggestion. which have not implement State Road All the States/UTs except formulated the Safety Policy Assam, Delhi, Nagaland, Road Safety formulated as a result of Tripura, Lakshadweep, Dadra Policy may be the intervention of the Nagar Haveli and Andaman & directed to Committee on Road Nicobar have already formulate the Safety. The said Policy formulated their Road Safety policy on priority may be notified in the Policy. basis, latest by gazette and brought into The States / UTs which have 31st December existence w.e.f. 1st not formulated the Road 2017. The September, 2017, if not Safety Policy, have been statement made by already done so. requested to formulate the the Government policy on priority basis. of India may kindly be taken on record and ordered.

ii. State Road Safety Ministry of Road Transport & Order proposed:

Council: All State Highways is in agreement with All States / UTs Government (except the suggestion. All States / except Daman & Nagaland) have UTs except Daman & Diu, Diu, Dadra Nagar constituted State Road Dadra Nagar Haveli and Haveli and Safety Council as Andaman & Nicobar have Andaman & required under Section already constituted State Road Nicobar have 215 of the Motor Safety Councils. already Vehicles Act, 1988 and constituted State directed by the Road Safety Committee. The said Councils. The Council must undertake others may be periodic meetings to directed to review the actions and constitute the implementation of road same as per the safety laws and submit recommendations suitable reports to the of the Committee competent legislature on Road Safety.

and the Committee on
Road Safety.

The State
made by
Government
India may kindly
be taken on reco
and ordered.

S.	Issue contained in	Views by Ministry of Road	Orders prayed
No.	note of Amicus Curiae	Transport & Highways	by the AC
iii.	Lead Agency: Each	Ministry of Road Transport &	Order proposed:
	State Government may	Highways is in agreement with	The States / UTs
	be directed to establish	the suggestion.	that have not
	a Lead Agency as	Ministry held review meeting	established Lead
	required by the	with the States to review the	Agency,

	Committee on Road Safety headed by a senior officer and with adequate staff to be solely dedicated to matters relating to licensing, issuing of driving licences, and registration of vehicles, road safety, and features of vehicles, pollution and other allied matters.	implementation of the directions of the Committee on Road Safety from 27th to 30th June, 2017. The States / UTs were requested to establish Lead Agency and depute adequate, dedicated and professional / technical staff. Few States viz. Chhattisgarh, Daman & Diu, Haryana, Jharkhand, Jammu & Kashmir, Nagaland, Rajasthan, Tamil Nadu have already established the Lead Agency.	defined required by the Committee Road Safety and depute adequate, dedicated professional technical staff may be directed to do so by 31st December 2017 as per the standard set by Committee Road Safety. The statement made by the Government of India may kindly be taken record ordered.
iv	Road Safety Fund: Pursuant to recommendations of the Committee on Road Safety all the States have commenced or completed action to set up a Road Safety Fund with assured flow of money as desired by the Committee. However, in such States where it has not come into place it must come into effect w.e.f. 1st September 2017.	Ministry of Road Transport & Highways is in agreement with the suggestion. Some of the States viz. Bihar, Chhattisgarh, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Puducherry, Rajasthan, Uttar Pradesh have established dedicated fund as per directions of Committee on Road Safety. During the review meeting held by the Ministry, the remaining States / UTs have been requested to create the Road Safety Fund as per the directions of the Committee on Road Safety.	Order Proposed: The States / UTs that have not constituted Road Safety Fund may be directed to establish the same as soon as possible and not later than March 2018 and report to the Committee on Road Safety. The statement made by the Government of India may kindly be taken record ordered.
v	Road Safety Action Plan: Ministry of Road Transport & State Highways is in agreement with Governments may be the suggestion.		Order Proposed: The States / UTs may be directed
S. No.	Issue contained in note of Amicus Curiae directed to formulate and notify "Road Safety Action Plan" with an annual target for reducing road accident with effect from a date	Views by Ministry of Road Transport & Highways During the review meetings held by the Ministry, the States / UTs have been requested to prepare the annual target based Action Plan to reduce accident & fatality rate in pursuance of	Orders prayed by the AC prepare the annual target base Action Plan to reduce accident & fatality rate in pursuance

	not later than 1st September 2017.	directions of Committee on Road Safety.	directions Committee Road Safety and the report to the Committee.
vi	District Road Safety Ministry of Road Transport & Committee: All State Highways is in agreement with Governments may be the suggestion. directed to constitute District Road Safety Committee headed by the Collector of the District which will fix targets for reduction in accidents and fatality dependent upon peculiar facts of the District. As suggested in the written Note, District Road Safety Committee could include Superintendent of Police, Health Officers, PWD Engineers, representatives of NHAI and RTO of the District.		Order proposed: State Governments may be directed to constitute District Road Safety Committee headed by the Collector of the District as soon as possible lay down responsibilities of said committees, including regular and period meeting a report to Committee Road Safety. The statement made by the Government of India may kindly be taken on record a ordered.
vii	Engineering Improvement: The Amicus Curiae submits that one of the main reasons for accidents is poor quality of roads, improper design, inadequate curve, inadequate depth and inadequate angle which need to be maintained at crucial junctions. At	The Ministry is in agreement with the suggestion. However, the protocol has to be reviewed and updated from time to time based on the experience gained.	Order proposed: Protocol Identification and Rectification Black Spots prepared MoRTH at the instance Committee Road Safety may be directed to be implemented by
S. No.	Issue contained in note of Amicus Curiae the instance of the Committee on Road Safety, the MoRTH has set up protocol for identification and rectification of black spots. The said protocol	Views by Ministry of Road Transport & Highways	Orders prayed by the AC all concerned including NHAI and State Governments in consultation with the Committee on Road Safety.

for rectifying black spots for better road safety is annexed herewith as Annexure „B pages (28 to 29). This Hon ble Court may be pleased to direct that the same be enforced into immediate effect by the NHAI, the Ministry of Road Transport & Highways of Government of India as well as the PWD Departments of all State Governments as well their contractors. It is important that the same is also enforced in all expressways being constructed on PPP mode.

viii Traffic Calming Ministry of Road Transport & Measures: This Highways is in agreement with Hon ble Court may the suggestion. further direct the State Governments to adopt Traffic Calming Measures at accident prone areas, junctions of lower hierarchy roads and other vulnerable spots like schools, hospitals, etc.

It may be clarified that the said protocol would be reviewed and updated by MoRTH annually based on the experience gained. The statement made by the Government of India may kindly be taken on record and ordered.

Order proposed: This Hon ble Court may direct that the State Governments should adopt Traffic Calming Measures at accident prone areas, junctions of lower hierarchy roads with higher hierarchy roads and other vulnerable spots like schools, hospitals etc., and submit district

S. Issue contained in
No. note of Amicus Curiae

Views by Ministry of Road
Transport & Highways

Orders prayed
by the AC
wise compliance
reports to the
Committee
Road Safety, as
per the directio
of the Committee
on periodic basi
The statem

			made by Government India may kindly be taken on record and ordered.
ix	Roads Safety Audits: This Hon ble Court may direct State Governments to carry out road safety audits during design, construction and operation of roads and also in respect of existing roads within a specified time frame. This audit must be carried out by auditors accredited by National Road Safety Audit Board. This National Road Safety Audit Board must consist of Senior Officers of the NHAI, MoRTH, of respective State Governments as well as Road Safety Experts who are trained Road Safety Auditors. It is respectfully submitted that if roads were properly constructed and maintained in this country, as is done in many overseas countries, road accidents would be much less.	In-principle, the Ministry is in agreement with the suggestion. However, there is a deficiency of qualified auditors in road safety engineering in the country. Efforts are being made by the Government to build capacity, by way of organizing workshops on road safety engineering, road safety audit certification courses etc. It would take some time to build up capacity in the field of road safety audit. Therefore, States may be permitted to set their own targets for completing the road safety audits, as per the guidelines issued by the Ministry from time to time. With regard to the recommendation of accreditation by National Road Safety Audit Board, it is stated that a proposal to create a National Road Safety Board has been incorporated in the Motor Vehicle (Amendment) Bill, 2017. The bill has been passed by Lok Sabha. The proposed Board will deal with all aspects of the road safety.	Order proposed: This Hon ble Court may be pleased to direct the Central Government to: (i) Conduct audit of 2 most accident prone stretches highways/expressways in each State as a pilot programme, and present strategies for reducing the accidents; (ii) build capacity and train at least 150 more auditors within period of next one year; The State Governments/UTs may be directed to train at least 2 such auditors within the period of next one year and thereafter conduct audits. The statement made by Government
S. No.	Issue contained in note of Amicus Curiae	Views by Ministry of Road Transport & Highways	Orders prayed by the AC India may kindly be taken on record and ordered.
x	Engineering Design of New Roads: It may be directed by this Hon ble Court that no new road/project costing more than Rs. 10	The road projects costing Rs. 10.00 crore or more may be of different types like re-surfacing of the road, reconstruction of bridges / culverts, construction of	Order proposed: It is prayed that this Hon ble Court may be pleased to direct the road safety auditors

	Crores should be undertaken unless the design is audited and the audit recommendation are implemented to the satisfaction of the aforementioned National Road Safety Audit Board.	retaining walls for protection of roads etc. Such projects do not require the road safety audit. Therefore, specifying only cost criteria for carrying out road safety audits is not appropriate. It is proposed that the road safety audit including the design stage audit should be carried out for all road capacity augmentation projects of 5 km or more.	including the design stage audit should be carried out for all road capacity augmentation projects of 5 km or more.
xi	Working Group on Engineering: it is prayed that this Hon ble Court may pass an order directing that recommendations of the	The report of the Working Group on Engineering (Roads) contains a detailed background discussion. The recommendations and suggested policies are	Order proposed: This Hon b Court may issue the following directions as set out as below:

Working Group on contained in Para 4 of the 1. Highways and Engineering as directed Working Group Report. Many urban road design by this Hon ble Court of these recommendations are standards and (marked as Annexure in the nature of general guidelines will be "C" pages (30 to 38)) comments. made consistent be implemented In view of the above, with the safety forthwith as directed by appropriate recommendations requirements and the Hon ble Court. based on Working Group in tune with the Report which can be passed by international best Hon ble Supreme Court as practices on a directions are brought out as continuous basis below: at regular

- Highways and urban intervals.

road design standards and 2. Conduct Road guidelines will be made safety audits at consistent with the safety different stages of requirements and in tune with construction and the international best practices operation.

		on a continuous basis at regular intervals.	3. All improvement
S. No.	Issue contained in note of Amicus Curiae	Views by Ministry of Road Transport & Highways - Road safety audits at different stages should be carried out depending on the size / type of the project for all the road development projects. - All road improvement	Orders prayed by the AC projects including resurfacing work should have provision of sign & markings as per the requirements

projects including resurfacing 4. Adequate traffic works should have provision calming measures of signs & markings as per the should be taken, requirements. wherever

- Adequate traffic necessary, to calming measures should be enhance safety of taken, wherever necessary, to vulnerable road enhance safety of vulnerable users.

road users.

- Existing stretches of National Highways & State Highways not covered in development projects on modes like BOT/EPC should be subjected to Road Safety Audits in phased manner through a time bound programme.

- Recommendations of Road Safety Audits should be implemented, preferably within 2 years of submission of audit reports.

- Standard Road accident recording & reporting formats should be evolved considering all aspects of feasibility and manpower resources and be published as standard documents for adoption by all authorities at Central and State levels.

- Specialized accident investigation centres shall be

5.

Recommendations of Road Safety Audits should be implemented, before further work undertaken on the road concerned.

6. Standard Road accident recording & reporting formats should be evolved considering aspects feasibility manpower resources and be published standard documents adoption by all authorities Central and State levels.

established to study a few 7. Specialized selected accidents using accident reconstruction investigation techniques etc., and the details centres shall be to be preserved in a data base. established to

- Institutionalized study a few system of database storage and selected accidents management should be using accident S. Issue contained in Views by Ministry of Road Orders prayed No. note of Amicus Curiae Transport & Highways by the AC developed for road accident reconstruction data. A suitable web based techniques etc., electronic road accident data and the details to collection/compilation system be preserved in a shall be developed for data base.

countrywide implementation. 8. Institutionalized

- Centre of excellence system of for road safety Research & database storage Accident analyses should be and management developed in academic should be institutions across the country. developed for

- Establishing synergy road accident data.

between various stake holders A suitable web (road authorities, academia, based electronic enforcement authorities, health road accident data authorities etc) in road safety collection/ at central/ state levels is being compilation strived through National Road system shall be Safety Council and State Road developed for Safety Councils. These should countrywide be strengthened and made implementation.

robust to deliver the intended results.

- Centre is extending support to Road Safety Engineering improvements on state roads through specific schemes to act as benchmarks and models for further efforts by states. 10% of Central Road Fund (CRF) allocations have been earmarked for Road Safety Engineering works on state roads through Central Road Fund (State Roads)

9. Centre excellence road Research Accident analyse should developed Academic institutions across the country.

Till such time a the NRS becomes

Amendment Rules, 2016. operational, the Detailed guidelines have also above steps may been issued in this regard. be taken by the Government in consultation with the Committee on Road Safety.

xii Drivers Training: In the Motor Vehicle Order proposed:

This Hon ble Court (Amendment) Bill, 2017, it is The Government may be pleased to issue proposed that the transport of India and the a direction that licenses driving license is to be State of all drivers would be renewed at an interval of five Governments may S. Issue contained in Views by Ministry of Road Orders prayed No. note of Amicus Curiae Transport & Highways by the AC renewed after every years. be directed to take five years and would be It has been proposed in the such steps as subject to their Motor Vehicle (Amendment) recommended by qualifying the stringent Bill, 2017 that the Central the Committee on criteria including Government may make rules Road Safety in a technical efficiency, for such schools or time bound quality of driving, establishments. The efforts manner to ensure control over a vehicle shall be made to improve the improvement in and other relevant quality of driving training by the quality of factors. It is necessary prescribing detailed driver training and that any person who curriculum as well as the licensing drives the vehicle must infrastructure and trainer (including be in complete control requirements by the Driving emphasis on lane of the vehicle to be able Training Schools. driving) as well as to minimize the risk of in the an accident. infrastructure and It is submitted that only the trainer accredited driving requirements.

schools should be

authorized to impart training to the learners and recommend the grant of permanent licenses. Such institutions must have driving teachers (a) with not less than 10 years experience; (b) who have experience in driving all kinds of vehicles; (c) who have the requisite learning vehicle; (d) who have adequate facilities and take suitable number of tests before the final license by a public authority should only be upon recommendation of such an accredited licensing institution. Computerized driving tests should be resorted for checking driving skills.

xiii Lane Driving: This Ministry of Road Transport & Order proposed:
Court may issue a Highways has already notified The State

S. No.	Issue contained in note of Amicus Curiae direction that all the State Government would issue a mandatory circular that lane driving will be strictly insisted upon in all parts of this country. Further, overtaking shall be only according to the protocols which are devised for the said purpose and contravention may even result in forfeiture of his or her license.	Views by Ministry of Road Transport & Highways Motor Vehicles (Driving) Regulations 2017 vide G.S.R. 634 (E) dated 23rd June 2017 which mandates the lane driving and also provides for the protocol for overtaking.	Orders pray by the AC Governments/ UTs may directed to st implement Moto Vehicles (Driv Regulations 20 notified G.S.R. 634 (E) dated 23rd Jun 2017 mandates the l driving and al provides for t protocol overtaking.
xiv	Road Safety Equipment: All the State Governments will take steps to acquire and use cameras and	Bureau of Police Research & Development (BPR&D) had prepared a report in consultation with States/UTs on the norms for the number of	Order Proposed All the Governments/UT may be directe take steps

<p>other surveillance equipment according to the norms suggested by the Ministry of Home Affairs to check and detect traffic violators. Further, this Hon ble</p>	<p>Traffic Police and also for the Equipment for identifying violations of traffic laws with reference to vehicle population of that City/State and submitted the same to the Committee on Road Safety in</p>	<p>acquire and use cameras and other surveillance equipment according to the norms suggested by the Ministry</p>
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Court may direct that the month of September, 2015. Home Affairs in a special patrol forces Further, Committee on Road phased manner to along the National Safety has forwarded the check and detect Highways, report to all States/UTs on 30th traffic violators;

<p>Expressways and the State Highways be established. The States may also be directed to take the following actions to the satisfaction of the Committee on Road Safety: (A) Formulate and enforce a policy for the removal of all hoardings and objects which obstruct driving or distract drivers. (B) Formulate and enforce a policy for</p>	<p>November, 2015 (copy attached in Annexure-II)</p>	<p>and may further be directed to up special patrol forces along the National Highways, Expressways and the Highways. This may be done in consultation with and to satisfaction of Committee Road Safety.</p>
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<p>S. No. Issue contained in note of Amicus Curiae detection and removal of encroachment on all pedestrian path which will cause any hindrance to pedestrians and vehicles. (C) Issue a direction that all driving licenses will be suspended for a period of at least one year under Section 19 of the Motor Vehicles Act and Rule 21 of the CMV for over speeding, red-light jumping, use of cellular phone while driving, over loading, and using goods</p>	<p>Views by Ministry of Road Transport & Highways</p>	<p>Orders prayed by the AC</p>
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	carriage for ferrying passengers.		
xv	Alcohol and Road Safety: As per the order dated 15th December 2016, by a judicial order passed in (State of Tamil Nadu v. K. Balu, (2017) 2 SCC 281) this Hon ble court prohibited the grant of licences for the sale of liquor along national and state highways and over a distance of 500 metres from the outer edge of the highway throughout the territory of India. This Hon ble Court may further direct the State Governments to ensure that the said prohibition imposed by this Hon ble Court be effectively implemented. Further, those found driving under the influence of alcohol should be	Ministry has written to the States vide letter dated 6th April, 2017, for compliance of the orders of the Hon ble Supreme Court. Ministry of Home Affairs had issued an advisory on road safety and accidents to all the States/UTs on 17th December, 2015, advising for strict enforcement of provisions of IPC and MV Act to prosecute and punish persons causing injury or death in offences related to road safety (detail attached in Annexure-III).	Order proposed: No further orders are required at stage. statement made by the Government of India may kindly be taken on record ordered.
S. No.	Issue contained in note of Amicus Curiae prosecuted under the Motor Vehicles Act, 1988 as well as under the Indian Penal Code, 1860 within a time period fixed by this Hon ble Court.	Views by Ministry of Road Transport & Highways	Orders prayed by the AC
xvi	Road Safety The Ministry of Road Education: Pursuant to Transport & Highways is in recommendations of the agreement with the suggestion. Committee on Road Safety, Road Safety Education has already been included by CBSE in school curriculums. This Hon ble Court may further direct the State Governments to ensure that Road Safety		Order proposed: This Hon ble Court may further direct the State Governments/UTs to ensure that Road Safety Education and Counselling also incorporated into t

	Education and Counselling is also incorporated into the curriculum of the State Boards.		curriculum laid down by the State Boards by 1st April, 2018. The statement made by the Government of India may kindly be taken on record and ordered.
xvii	Speed Governors: It is prayed that State Governments be directed to take steps to ensure that approved speed Governors are fitted in the existing transport vehicles and given Unique Identification Number. These numbers should be uploaded in the VAHAN Database along with the details of the vehicle. The instructions issued by Committee on Road Safety in this regard may kindly be directed	Ministry of Road Transport & Highways has already issued guidelines for fitment of approved Speed Limited Device (speed governors) on transport vehicles. The suggestion to upload the Unique Identification Number of the Speed Governor in the VAHAN database is acceptable.	Order proposed: State Governments be directed to take steps to ensure that approved speed Governors are fitted in the existing transport vehicles and given Unique Identification Number. These numbers should be uploaded in the VAHAN Database along with the details of the vehicle. Th
S. No.	Issue contained in note of Amicus Curiae to be strictly followed.	Views by Ministry of Road Transport & Highways	Orders prayed by the AC instructions issued by Committee on Road Safety in this regard may kindly be directed to be strictly followed.
xviii	Emergency Medical Care: As far as emergency care is concerned, this Hon ble Court may direct that the State Government shall establish for every District at least one Trauma Care Centre with all modern medical facilities, and ambulances equipped with first-aid facility	In respect of the Trauma Care Programme being implemented by Ministry of Health & Family Welfare, a total number of 116 Trauma Care Facilities (TCFs) were identified and approved during the 11th Five Year Plan (FYP) and 81 TCFs were identified during the 12th FYP. It may further be mentioned that with regard to trained para-medical staff for ambulances, the	Order proposed: This Hon Court may direct that the State Government shall establish for every District at least one Trauma Care Centre with all modern medical facilities, ambulances equipped

	manned by trained para-medical staff should also be made available.	Programme Division, the Director General of Health Services has developed the Pre-hospital Trauma Technician Course curriculum, and the training is being undertaken in the three Central Government Hospitals of Delhi, namely Safdarjung Hospital, LHMC and Dr. RML Hospital since 2007.	first-aid fac manned by traine para-medical sta should also be made avail Further, Distric Magistrates every district m be directed to ensure sufficient publicity is giv in respect existing facilit Order Proposed: The Governments/UTs may be directed strengthen accident helplin number providing adequate facilit The Governments that have not made ambulance services
xix	Universal Accident Helpline Number: This Hon ble Court may be pleased to order that there shall be one Universal Accident Helpline Number which should be established by the Department of Telecommunication throughout the country. Further, a universal code for ambulances should be notified by	The National Health Mission already provides for a call centre number (108), which is being extensively used in the States for medical emergencies including accidents. The ambulance services are also operational in most of the states through this call centre number (108).	
S. No.	Issue contained in note of Amicus Curiae the MoRTH.	Views by Ministry of Road Transport & Highways	Orders prayed by the AC operational may be directed to do so by 31st March 2018, and t further develop a code/method t utilize services o all ambulances in the area.
xx	Permanent Road Safety Cell: This Hon ble Court may direct that National Highways Authority of India must have a permanent Road Safety Cell consisting of suitable engineers and qualified personnel and which shall be established on or before	The Ministry of Road Transport & Highways is in agreement with the suggestion. Ministry of Road Transport & Highways as well National Highways Authority of India have established road safety engineering cells. All the States/UTs have also been requested to establish Road Safety Engineering Cell in their National Highways	Order Proposed: The cells have been set up and no further orders are required present. The statement made by the Government of India may kindly be taken on record an ordered.

30th September, 2017. Directorates by Ministry of Road Transport & Highways.

xxi Data Collection: This Ministry of Road Transport & Order proposed:

Hon ble Court may Highways has already evolved No further orders direct that a new format for recording are required at this computerized format be accident data & report. The stage. However, it prepared by the format is enabled for may be directed MoRTH for collecting computerized data entry. State that the said road accident data Government / UTs have been format evolved by throughout the country asked to take further action to the Ministry be and data so collected collect and report the data in strictly followed.

	should be made public so that even members of the public could pursue remedial actions or research.	new format. The Ministry has been making the data public for information of all the stakeholders.	The statement made by the Government of India may kindly be taken on record and ordered.
xxii	GPS: It is submitted that it has been found that use of GPS and GIS mapping encourages safety both for drivers and passengers. Therefore, it is prayed that a direction be issued to all car manufactures	Ministry of Road Transport & Highways has already notified vide G.S.R. No. 1095 (E) dated 28th November 2016 mandating the fitment of vehicle location tracking device and emergency button in all public service vehicles except two wheelers, e-rickshaw, three wheelers and	Order proposed: This Hon b Court may direct that all public service vehicles shall be fitted with location tracking device mentioned by GoI and the sa
S. No.	Issue contained in note of Amicus Curiae that with effect from 1st January 2018 they would ensure that all vehicles are installed with GPS and GIS.	Views by Ministry of Road Transport & Highways any transport vehicles for which no permit is required under the Motor Vehicles Act, 1988. Fitment of GPS devices on other vehicles would be considered in due course since this would put additional cost burden on the vehicle owners in terms of cost of the GPS equipment.	Orders prayed by the AC notification b strictly implemented. The statement made by the Government of India may kindly be taken on record and ordered.
xxiii	Bus/Truck-Body Building Code: This Hon ble Court may direct that MoRTH may take suitable steps to notify Bus/Truck-Body Building Code so that henceforth buses and trucks built on different	Bus Body Code: Ministry of Road Transport & Highways has already notified the bus body code vide G.S.R. No. 287 (E) dated 22nd April 2014. Truck Body Code: Ministry of Road Transport & Highways has already notified the truck body code vide	Order proposed: No further orders are required at t stage. The statemen made by Government India may kindly be taken on recor

	chassis are not found wanting in security and safety features.	G.S.R. No. 1034 (E) dated 2nd November 2016 for vehicles registered on or after 1st October 2018.	and ordered.
xxiv	ABS, Air Bags and Headlights: It is prayed that a direction be issued that in every model of car sold in India there shall be Anti-Lock Braking System and air bags. Further a direction be issued that all two-wheeler manufacturer will take recourse to "Automatic Headlights On" systems. It is prayed that a direction be issued that the State Government must not allow vehicles with impermissible headlights to ply.	ABS: Ministry of Road Transport & Highways has notified for the fitment of ABS in motor cycles vide G.S.R. No. 310 (E) dated 16th March 2016 and for four wheelers vide G.S.R. No. 120 (E) dated 10th February 2017 for new models on or after 1st April 2018 and for existing models on or after 1st April 2019. Air Bags: Ministry of Road Transport & Highways has finalized a standard AIS-145, which is being notified. This standard would mandate fitment of Air Bags on all the LMV passenger vehicles. Automated Headlights On: Ministry of Road Transport & Highways has notified vide G.S.R. No. 188 (E) dated 22.02.2016 for fitment of „Automated Headlights On (AH0) in two wheelers	Orders proposed: No further orders are required.
S. No.	Issue contained in note of Amicus Curiae	Views by Ministry of Road Transport & Highways manufactured on or after 1st April 2017.	Orders prayed by the AC
xxv	Crash Test: It is respectfully submitted that in view of the doubtful crash test of all the LMVs, crash test in proper conditions must be undertaken in	The crash tests for all the Light Motor Vehicles (LMVs) have been notified by the Ministry for implementation. The tests are to be conducted only by the testing agencies notified under Rule 126 of the Central	Order proposed: No further orders are necessary at this stage. The state made by Government

respect of LMVs by Motor Vehicle Rules, 1989. India may kindly laboratories that are The agencies are required to be taken on record accredited. It is have their testing facilities and ordered. submitted that this accredited by National Hon ble Court may Accreditation Board for further direct that all Testing and Calibration vehicle testing agencies Laboratories (NABL). The in India should be Ministry has issued S.O. 1139 internationally (E) dated 28.04.2015 and S.O. accredited / recognized 2412 (E) dated 03.09.2015 to ensure that crash amending the Central Motor tests are genuinely and Vehicles Rules, 1989 sincerely undertaken (CMVRs) notifying the having utmost

regard to following crash standards: - the value of human life.

This may be done by 1st April 2018.	Standards	Date of commencement/ validity
	Requirement for behaviour of steering mechanism of a vehicle in a Head-on Collision as per AIS	New Models- 1.10.2017 All Models- 01.10.2019
	Protection of occupants in the event of an offset Frontal Collision as per AIS	New Models- 1.10.2017 All Models- 01.10.2019
	Approval of vehicles with regard to the Protection of	New Models- 1.10.2018 All Models- 01.10.2019

S. No.	Issue contained in note of Amicus Curiae	Views by Ministry of Road Transport & Highways	Orders prayed by the AC
		Occupants in the event of a Lateral Collision as per AIS	
		Approval of New Models- Vehicles 1.10.2018 with regard All Models- to the 01.10.2020 Protection of Pedestrian and other Vulnerable Road Users in the event of a Collision with a Motor Vehicle as per AIS	

17. We have heard learned Amicus Curiae as well as learned Additional Solicitor General. They have taken us through all the suggestions made and the response of the MoRTH to these suggestions.

In view of the submissions, and keeping in mind issues of road safety and the interest of those who may be unfortunate victims of road accidents, we issue the following directions:

1. Road Safety Policy: Most of the State Governments and Union Territories have already framed a Road Safety Policy. Those that have not framed such a policy namely Assam, Nagaland, Tripura, Delhi, Lakshadweep, Dadra and Nagar Haveli and Andaman and Nicobar Islands, must now formulate the Road Safety Policy by 31st January, 2018. All States and Union Territories are expected to implement the Road Safety Policy with all due earnestness and seriousness.

2. State Road Safety Council: All States have already constituted a Road Safety Council in terms of Section 215 of the Motor Vehicles Act, 1988. The Union Territories of Daman and Diu, Dadra and Nagar Haveli and Andaman and Nicobar Islands have not constituted the Road Safety Council as yet. We direct these Union Territories to constitute the State Road Safety Council on or before 31st January, 2018. The responsibility and functions of the Council will be as recommended by the Committee on Road Safety. The State Road Safety Councils should periodically review the laws and take appropriate remedial steps wherever necessary.

3. Lead Agency: Only a few States have established the Lead Agency as recommended by the Committee on Road Safety in its communication of 23rd December, 2014. The States and Union Territories that have not done so should establish the Lead Agency on or before 31st January, 2018 in terms of the recommendations made by the Committee on Road Safety. It may be mentioned that the Lead Agency will act as the Secretariat of the State Road Safety Council and coordinate all activities such as licensing issues including issues of driving licences, registration of vehicles, road safety and features of vehicles, along with other allied matters including emission norms and other activities as mentioned in the communication dated 23rd December, 2014.

4. Road Safety Fund: Some of the States have already established a Road Safety Fund. Those States and Union Territories that have not yet established the Road Safety Fund should do so not later than 31st March, 2018 and report back to the Committee on Road Safety. The corpus of the Road Safety Fund will be from the fines collected for traffic violations and the Fund will be utilized for meeting expenses relating to road safety.

5. Road Safety Action Plan: The purpose of a Road Safety Action Plan is to reduce the

number of road accidents, as well as the fatality rate. The MoRTH has already requested all the States and Union Territories to prepare a Road Safety Action Plan but it appears that the response to this has been somewhat lukewarm.

The State Governments and Union Territories are therefore directed to urgently prepare a Road Safety Action Plan by 31st March, 2018 and put it into action after giving it due publicity.

6. District Road Safety Committee: A District Road Safety Committee is required to be set up by the State Government for every district in terms of Section 215(3) of the Motor Vehicles Act, 1988. As suggested by the learned Amicus and agreed to by the MoRTH, the District Road Safety Committee should be put in place by 31st January, 2018 and should be headed by the Collector of the District and should include amongst others the Superintendent of Police, Health Officers, Engineers of the Public Works Department, representatives of the National Highways Authority of India, the Road Transport Officer of the District and members of civil society from the District. The District Road Safety Committee must hold regular and periodic meetings to review road safety issues and take corrective measures.

7. Engineering Improvement: It appears that one of the main reasons for road accidents is the poor quality of roads, improper design, etc. The MoRTH is of the opinion that the protocol for road design and identification of black spots needs to be reviewed and enforced. Accordingly, it is directed that the MoRTH should publish a protocol for identification and rectification of black spots and take necessary steps for improving the design of roads to make them safe.

8. Traffic Calming Measures: It is suggested by the learned Amicus that traffic calming measures must be adopted at accident prone areas. This is agreed to by the MoRTH. However, such measures will need to be studied and then put in place. This is an on-going exercise which must be carried out by the Road Safety Committee with the assistance of the MoRTH and other stakeholders.

9. Road Safety Audits: There is agreement, in principle, between the learned Amicus and the MoRTH to carry out Road Safety Audits. However, there appears to be a dearth of qualified auditors in Road Safety Engineering. The MoRTH supports the idea of capacity building. It is, therefore, directed that necessary steps be taken by the Committee on Road Safety as well as by the MoRTH to work in this direction since there can be little doubt that an audit of road safety is essential to reduce the possibility of road accidents through corrective measures.

10. Engineering Design of New Roads: The MoRTH is of the view, and the learned Amicus is also in agreement, that the Road Safety Audit as mentioned above should include the design stage audit of new road projects of 5 kms or more, rather than being based on the cost of the project. It is ordered accordingly.

11. Working Group on Engineering: The Working Group on Engineering (Roads) has already submitted a Report which is available with the Road Safety Committee as well as the MoRTH. This Working Group was constituted pursuant to the decision taken in the meeting of the 12th National Road Safety Council held on 25th March, 2011. The recommendations of the Working Group should

be implemented in the terms prayed for by the learned Amicus as well as those accepted by the MoRTH. These will, of course, be in the nature of interim directions since the National Road Safety Board is likely to be created as proposed in the Motor Vehicles (Amendment) Bill, 2017.

12. Drivers Training: This is the subject matter of the Motor Vehicles (Amendment) Bill, 2017 and no orders are required to be passed in this regard.

13. Lane Driving: The MoRTH has already issued Motor Vehicles (Driving) Regulations, 2017 vide G.S.R. 634 (E) dated 23rd June, 2017.

The Notification should be implemented by the State Governments and Union Territories strictly.

14. Road Safety Equipment: The Bureau of Police Research and Training has already prepared a Report on the subject and has submitted it to the Road Safety Committee in September, 2015. The recommendations in the Report should be implemented including acquisition of cameras and surveillance equipments in detecting traffic and identifying violators. It is also necessary to set up special patrol forces along the National Highways and State Highways for which necessary steps must be taken by the State Governments and Union Territories.

15. Alcohol and Road Safety: The MoRTH has already written to the States to comply with orders of this Court in this regard. The MoRTH may issue further advisories in this regard on a quarterly basis during the calendar year 2018 so as to serve as a reminder to the State Governments and Union Territories to implement the directions of this Court.

16. Road Safety Education: The learned Amicus as well as MoRTH are in agreement that road safety education and counselling should be incorporated in the curriculum by the State Boards by 1 st April, 2018. It is directed that the State Governments may seriously consider this recommendation and include Road Safety Education and Counseling as a part of the school curriculum at the earliest.

17. Speed Governors: Guidelines in this regard have already been issued by the MoRTH. The MoRTH has agreed to upload the Unique Identification Number of the speed governors in the VAHAN database. This should be followed up by the MoRTH with expedition.

18. Emergency Medical Care: There is agreement that at least one Trauma Care Centre should be set up in every district with necessary facilities and an ambulance. The State Governments and Union Territories should take up this recommendation at the earliest since it is on record that treatment soon after a road accident is crucial for saving the life of the victim. In this context, it may also be mentioned that this Court has issued certain directions in Pt. Parmanand Katara v. Union of India 1 which should be followed.

19. Universal Accident Helpline Number: The MoRTH has stated that there is already a call centre number, that is, 108 provided by the National Health Mission. Due publicity must be given to this so that an ambulance can be activated at the earliest whenever necessary.

20. Permanent Road Safety Cell: All State Governments and Union Territories have already been requested by the MoRTH to set up Road Safety Cells. The State Governments and Union Territories should establish Permanent Road Safety Cells by 31 st January, 2018.

21. Data Collection: The MoRTH has already taken steps for recording accident data and reports through computerised data entry. The State and Union Territories have been asked to take further action in this regard and make the data public for the information of all stakeholders. This needs to be followed up and no further orders are necessary in this regard. (1989) 4 SCC 286

22. GPS : The MoRTH has already notified vide G.S.R. No. 1095 (E) dated 28th November, 2016 mandating the fitment of vehicle location tracking devices in all public service vehicles subject to some exceptions. Since this has cost implications, the MoRTH may assist the State Governments and Union Territories to ensure that to the maximum extent possible and within the shortest time frame, location tracking devices must be fitted in all public service vehicles as notified.

23. Bus/Truck–Body Building Code: This has already been notified by the MoRTH with regard to buses vide G.S.R. No. 287 (E) dated 27th April, 2014 and with regard to trucks vide G.S.R. No. 1034(E) dated 2nd November, 2016. No further orders are necessary in this regard.

24. ABS, Air Bags and Headlights: The MoRTH has already notified for fitment of ABS in motor cycles vide G.S.R. No. 310(E) dated 16th March, 2016 and for four wheelers vide G.S.R. No. 120(E) dated 10th February, 2017. As far as air bags are concerned a standard AIS-145 has already been notified. As regards automated headlights, the MoRTH has notified vide G.S.R. No. 188(E) dated 22nd February, 2016 for fitment of “Automated Headlights On” in two wheelers manufactured on or after 1st April, 2017. No further orders are required in this regard except the faithful implementation of the various notifications issued by the MoRTH.

25. Crash Test: This too has been notified by the MoRTH and the test for all light motor vehicles is required to be conducted by the testing agency notified under Rule 126 of the Central Motor Vehicles Rules, 1989. No further orders are required in this regard except the faithful implementation of the notifications and crash standards issued by the MoRTH.

18. We make it clear that the directions given above are those that have been agreed upon by the parties before us and are in addition to and supplement the directions already given in S.Rajaseekaran v. Union of India.² We commend the efforts put in by the learned Amicus Curiae and the Justice K.S. Radhakrishnan Committee on Road Safety. We are confident that the directions given above, at their instance and with the support, cooperation and assistance of the MoRTH, will save thousands of lives in road accidents and crores of rupees in compensation payable by the insurance companies – provided the directions are faithfully and sincerely complied with.

19. We also make it clear that if there is any doubt or clarity required in implementing the directions given, the concerned State Government or (2014) 6 SCC 36 Union Territory is at liberty to move the Committee on Road Safety.

20. We may note that none of the directions given by us or the directions given earlier by this Court are difficult to comply with. In this connection, we may draw attention to the excellent document prepared by the Committee on Road Safety and the MoRTH titled “Consulting Services to Audit the Implementation by the States of the Directions Issued by the Committee on Road Safety – Group 4-Final Report” concerning Haryana prepared in September 2017. The Report has received considerable support from the Delhi Integrated Multi-Model Transit System Limited (DIMTS), Transportation Research and Injury Prevention Programme (TRIPP), IIT-Delhi and The Energy and Resource Institute (TERI). It would be worthwhile if similar reports are prepared and published so that roads all over the country are rendered far safer than what they are today.

21. List for further proceedings on 7th February, 2018.

.....J (Madan B. Lokur)J (Deepak Gupta) New Delhi;

November 30, 2017