
Dr. S. Rajaseekaran (II) Vs Union of India & Ors.

W.P.(C) No 295 of 2012

Court: SUPREME COURT OF INDIA

Date of Decision: Nov. 30, 2017

Acts Referred:

[Constitution of India, Article 32](#) - Remedies for enforcement of rights conferred by this Part#[Motor Vehicles Act, 1988, Section 215\(3\), Section 215\(3\)](#) - Road Safety Councils and Committees#[Central Motor Vehicles Rules, 1989, Rule 126](#)

Hon'ble Judges: Madan B. Lokur, J; Deepak Gupta, J

Bench: Division Bench

Advocate: KRISHNA KUMAR

Judgement

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",,,,

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No.", "Issue contained in note of

Amicus Curiae", "Views by Ministry of Road Transport

& Highways", Orders prayed by the AC,

i., "Road Safety Policy: Every

State Government shall

implement State Road Safety Policy formulated as a result of the intervention of the Committee on Road Safety. The said Policy may be notified in the gazette and brought into existence w.e.f. 1st September, 2017, if not already done so.", "Ministry of Road Transport & Highways is in agreement with the suggestion.

All the States/UTs except Assam, Delhi, Nagaland, Tripura, Lakshadweep, Dadra Nagar Haveli and Andaman & Nicobar have already formulated their Road Safety Policy.

The States / UTs which have not formulated the Road Safety Policy, have been requested to formulate the policy on priority basis.", "Order Proposed: The States / UTs which have not formulated the Road Safety Policy may be directed to formulate the policy on priority basis, latest by 31st December 2017. The statement made by the Government of India may kindly be taken on record and ordered.",

ii., "State Road Safety Council: All State Government (except Nagaland) have constituted State Road Safety Council as required under Section 215 of the Motor Vehicles Act, 1988 and directed by the Committee. The said Council must undertake periodic meetings to review the actions

and implementation of road safety laws and submit suitable reports to the competent legislature and the Committee on Road Safety.","Ministry of Road Transport & Highways is in agreement with the suggestion. All States / UTs except Daman & Diu, Dadra Nagar Haveli and Andaman & Nicobar have already constituted State Road Safety Councils.","Order proposed: All States / UTs except Daman & Diu, Dadra Nagar Haveli and Andaman & Nicobar have already constituted State Road Safety Councils. The others may be directed to constitute the same as per the recommendations of the Committee on Road Safety.

The Statement made by the Government of India may kindly be taken on record and ordered.",

iii.,"Lead Agency: Each State Government may be directed to establish a Lead Agency as required by the 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.","Ministry of Road Transport & Highways is in agreement with the suggestion.

Ministry held review meeting with the

States to review the 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."

"Order proposed: The States / UTs that have not established Lead Agency, as defined and required by the Committee on Road Safety and depute adequate, dedicated and professional / technical staff may be directed to do so by 31st December 2017 as per the standards set by the Committee on Road Safety. The statement made by the Government of India may kindly be taken on record and 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 the
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 on record and ordered.",
v, "Road Safety Action Plan:
State Governments may be
directed to formulate and notify
Road Safety Action Plan" with
an annual target for reducing
road accident with effect from a
date not later than 1st
September 2017.", "Ministry of Road Transport & Highways
is in agreement with the suggestion.
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 directions of
Committee on Road Safety.", "Order Proposed: The States /

UTs may be directed to prepare
the annual target based Action
Plan to reduce accident & fatality
rate in pursuance of directions of
Committee on Road Safety and
the report to the Committee.",

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vi,"District Road Safety
Committee: All State
Governments may be 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.", "Ministry of Road Transport & Highways
is in agreement with the suggestion.", "O r d e r 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
o f said committees, including
regular and periodic meeting and
report to the Committee on Road
Safety. The statement made by
the Government of India may

kindly be taken on record and
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 instance

of the Committee on Road

Safety, the MoRTH has set up

protocol for identification and

rectification of black spots. The

said protocol for rectifying black

spots for better road safety is

annexed herewith as Annexure

â€Ž 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.", "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 for

Identification and Rectification of

Black Spots prepared by MoRTH

at the instance of Committee on

Road Safety may be directed to

be implemented by all concerned

including NHAI and State

Governments in consultation with

the Committee on Road Safety.

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.",

viii,"Traffic Calming Measures:

This Hon"ble Court may 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.", "Ministry of Road Transport & Highways

is in agreement with the suggestion.", "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

wise compliance reports to the

Committee on Road Safety, as per

the directions of the Committee on

periodic basis. The statement

made by the Government of India

may kindly be taken on record and

ordered.",

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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

d o n e 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 of
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 the
period of next one year;

The State Governments/UTs may
be directed to train at least 25
such auditors within the period of
next one year, and thereafter
conduct audits.

The statement made by the
Government of 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 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.", "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 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.", "Order proposed: It is prayed that this Hon"ble Court may be pleased to direct the road safety audit including the design stage audit should be carried out for all road capacity augmentation projects of 5 km or more.",

xi,"W o r k i n g Group on Engineering: it is prayed that this Hon"ble Court may pass an order directing that recommendations of the Working

Group on Engineering as directed by this Hon"ble Court (marked as Annexure "C" pages (30 to 38)) be implemented forthwith as directed by the Hon"ble Court.", "The report of the Working Group on Engineering (Roads) contains a detailed background discussion. The recommendations and suggested policies are contained in Para 4 of the Working Group Report. Many of these recommendations are in the nature of general comments.

In view of the above, appropriate recommendations based on Working Group Report which can be passed by Hon"ble Supreme Court as directions are brought out as below:

- Highways and urban road design standards and guidelines will be made consistent with the safety requirements and in tune with the international best practices on a continuous basis at regular intervals.
- 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 projects including resurfacing works should have provision of signs & markings as per the requirements.
- Adequate traffic calming measures should be taken, wherever necessary, to enhance safety of vulnerable 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 & "Order proposed: This Hon"ble

Court may issue the following

directions as set out as below:

1. Highways and urban road

design standards and guidelines

will be made consistent with the

safety requirements and in tune

with the international best

practices on a continuous basis at

regular intervals.

2. Conduct Road safety audits at

different stages of construction

and operation.

3. All road improvement projects

including resurfacing works should

have provision of signs & markings

as per the requirements.

4. Adequate traffic calming

measures should be taken,

wherever necessary, to enhance

safety of vulnerable road users.

5. Recommendations of Road

Safety Audits should be

implemented, before further work

is undertaken on the road

concerned.

6. 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.

7. Specialized accident

investigation centres shall be

established to study a few

selected accidents using accident

reconstruction techniques etc.,

and the details to be preserved in

a data base."

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., "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 established to study a few selected accidents using accident reconstruction techniques etc., and the details to be preserved in a data base.

- Institutionalized system of database storage and management should be developed for road accident data. A suitable web based electronic road accident data collection/compilation system shall be developed for

countrywide implementation.

- Centre of excellence for road safety

Research & Accident analyses should be developed in academic institutions across the country.

- Establishing synergy between various stake holders (road authorities, academia, enforcement authorities, health authorities etc) in road safety at central/ state levels is being strived through National Road Safety Council and State Road Safety Councils. These should be strengthened and made 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) Amendment Rules, 2016. Detailed guidelines have also been issued in this regard."

"8. Institutionalized system of database storage and management should be developed for road accident data. A suitable web based electronic road accident data collection/ compilation system shall be developed for countrywide implementation.

9. Centre of excellence for road safety Research & Accident

analyses should be developed in Academic institutions across the country.

Till such time as the NRSB becomes operational, the above steps may be taken by the Government in consultation with the Committee on Road Safety.",
xii,"Drivers" Training: This Hon"ble Court may be pleased to issue a direction that licenses of all drivers would be renewed after every five years and would be subject to their qualifying the stringent criteria including technical efficiency, quality of driving, control over a vehicle and other relevant factors. It is necessary that any person who drives the vehicle must be in complete control of the vehicle to be able to minimize the risk of an accident.

It is submitted that only accredited driving 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 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." , "In the Motor Vehicle (Amendment) Bill, 2017, it is proposed that the transport driving license is to be renewed at an interval of five years.

It has been proposed in the Motor Vehicle (Amendment) Bill, 2017 that the Central Government may make rules for such schools or establishments. The efforts shall be made to improve the quality of driving training by prescribing detailed curriculum as well as the infrastructure and trainer requirements by the Driving Training Schools." , "O r d e r proposed: The Government of India and the State Governments may be directed to take such steps as recommended by the Committee on Road Safety in a time bound manner to ensure improvement in the quality of driver training and licensing (including emphasis on lane driving) as well as in the infrastructure and the trainer requirements." ,

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xiii, "Lane Driving: This Court may issue a 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." "Ministry of Road Transport & Highways has already notified 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." "Order proposed: The State Governments/ UTs may be directed to strictly implement Motor Vehicles (Driving) Regulations 2017 notified vide G.S.R. 634 (E) dated 23rd June 2017 which mandates the lane driving and also provides for the protocol for overtaking.",

xiv,"Road Safety Equipment: All the State Governments will take steps to acquire and use cameras and other surveillance equipment according to the norms suggested by the Ministry of Home Affairs to check and detect traffic violators. Further, this Hon"ble Court may direct that special patrol forces along the National Highways, 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 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
carriage for ferrying passengers.", "Bureau of Police Research &
Development (BPR&D) had prepared a
report in consultation with States/UTs
on the norms for the number of 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 the
month of September, 2015. Further,
Committee on Road Safety has

forwarded the report to all States/UTs on 30th November, 2015 (copy attached in Annexure-II)", "Order Proposed: All the State Governments/UTs may be directed to take steps to acquire and use cameras and other surveillance equipment according to the norms suggested by the Ministry of Home Affairs in a phased manner to check and detect traffic violators; and may further be directed to set up special patrol forces along the National Highways, Expressways and the State Highways. This may be done in consultation with and to the satisfaction of the Committee on Road Safety.", 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(1) R.C.R. (Civil) 1029 : 2017(1) Recent Apex Judgments (R.A.J.) 586 : (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
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.", "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 this stage.

The statement made by the
Government of India may kindly be
taken on record and ordered.",

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xvi, "R o a d Safety Education:

Pursuant to recommendations of
the 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 Education and Counselling is also incorporated into the curriculum of the State Boards.", "The Ministry of Road Transport & Highways is in agreement with the suggestion.", "Order proposed: This Hon'ble Court may further direct the State Governments/UTs to ensure that Road Safety Education and Counselling is also incorporated into the 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 to be strictly followed.", "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." "O r d e r 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. The 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 manned by trained para-medical staff should also be made available." "I n 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 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.", "Order proposed: 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 manned by trained para-medical staff should also be made available. Further, District Magistrates of every district may be directed to ensure that sufficient publicity is given in respect of existing facilities.", 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 MoRTH.", "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).","Order Proposed: The State Governments/UTs may be directed to strengthen the accident helpline number by providing adequate facilities. The State Governments that have not made ambulance services operational may be directed to do so by 31st March 2018, and to further develop a code/method to utilize services of 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 30th September, 2017.","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 Directorates by Ministry of Road Transport & Highways.","Order Proposed: The cells have been set up and no further orders are required at present. The statement made by the

Government of India may kindly be taken on record and ordered.",

xxi,"Data Collection: This Hon"ble Court may direct that a computerized format be prepared by the MoRTH for collecting road accident data throughout the country and data so collected should be made public so that even members of the public could pursue remedial actions or research.","Ministry of Road Transport & Highways has already evolved a new format for recording accident data & report. The format is enabled for computerized data entry. State Government / UTs have been asked to take further action to collect and report the data in new format. The Ministry has been making the data public for information of all the stakeholders.","Order proposed: No further orders are required at this stage.

However, it may be directed that the said format evolved by the Ministry be strictly followed. The statement made by the Government of India may kindly be taken on record and ordered.",

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''''

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 that with effect from 1st January 2018 they would ensure that all vehicles are installed with GPS and GIS.", "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 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", "Order proposed: This Hon"ble Court may direct that all public service vehicles shall be fitted with location tracking device as mentioned by Gol and the said notification be 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 chassis

are not found wanting in security

and safety features.", "GPS equipment.

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 G.S.R.

No. 1034 (E) dated 2nd November 2016

for vehicles registered on or after 1st

October 2018.", "Order proposed: No further

orders are required at this stage.

The statement made by the

Government of India may kindly be

taken on record 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 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" (AHO) in two wheelers

manufactured on or after 1st April 2017.", "Orders proposed: No further

orders are required.

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 respect of LMVs by

laboratories that are accredited.

It is submitted that this Hon"ble

Court may further direct that all

vehicle testing agencies in India

should be internationally

accredited / recognized to

ensure that crash tests are

genuinely and sincerely

undertaken having utmost regard

to the value of human life. This

may be done by 1st April 2018.", "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 Motor Vehicle Rules,

1989. The agencies are required to have

their testing facilities accredited by

National Accreditation Board for Testing

and Calibration Laboratories (NABL).

The Ministry has issued S.O. 1139 (E)

dated 28.04.2015 and S.O. 2412 (E)

dated 03.09.2015 amending the Central

Motor Vehicles Rules, 1989 (CMVRs)

notifying the following crash standards: -", "Order proposed: No further

orders are necessary at this

stage. The statement made by the

Government of India may kindly be

taken on record and ordered.

„Standards,"Date of

commencement/

validity",

„Requirement for

behaviour of steering

mechanism of a

vehicle in a Head-on

Collision as per AIS

096/2008", "New Models-

1.10.2017

All Models-

01.10.2019",

„Protection of

occupants in the

event of an offset

Frontal Collision as

per AIS 098/2008", "New Models-

1.10.2017

All Models-

01.10.2019",

Approval of vehicles N e w Models-

with regard to the 1.10.2018 All

Protection of Models-

Occupants in the 01.10.2019

event of a Lateral

Collision as per AIS

099/2008

Approval of Vehicles N e w Models-

with regard to the 1.10.2018

Protection of All Models-

Pedestrian and 01.10.2020

o t h e r Vulnerable

Road Users in the

event of a Collision

with a Motor Vehicle

as per AIS 100/2010" ,,,,

''''

., "Approval of vehicles

with regard to the

Protection of

Occupants in the

event of a Lateral

Collision as per AIS

099/2008", "N e w Models-

1.10.2018 All

Models-

01.10.2019",

., "Approval of Vehicles

with regard to the

Protection of

Pedestrian and

o t h e r Vulnerable

Road Users in the

event of a Collision

with a Motor Vehicle

as per AIS 100/2010", "New Models-

1.10.2018

All Models-

01.10.2020",

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 1st 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, 1990(2) R.C.R.(Criminal) 75 : (1989) 4 SCC 286 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 31st 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.,,,,

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, (2014) 6 SCC 36. 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",,,,

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." ,,,,