

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).3265/2012

(From the judgement and order dated 21/09/2011
No.480/2001 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

in SBCMA

CHAIRMAN, R.S.R.T.C. & ANR.

Petitioner(s)

VERSUS

SANTOSH & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and with prayer for
interim relief)

Date: 13/04/2012

This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s)

Mr. Imtiaz Ahmed, Adv.
Mrs. Nagma Imtiaz, Adv.
for M/S.Equity Lex Associates,Adv.

For Respondent(s)

Mr. H.P. Raval, ASG
Mr. R.K. Rathore, Adv.
Mr. S.S. Rawat, Adv.
Mr. D.S. Mahra, Adv.
Mr. Shailender Saini, Adv.

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

In pursuance of our earlier order dated 6.2.2012, Mr. H.P. Raval, learned Additional Solicitor General has produced the circulars issued by the Ministry of Shipping, Road Transport and Highways dated 26th July, 2007 and various other documents issuing instructions to all State transport authorities clarifying that the Jugaad falls within the definition of Motor Vehicle as defined under Section 2(28) of the Motor Vehicles Act, 1988 and all the States are under legal obligation to enforce the same. Thus, no person should be permitted to ply a Jugaad as it violates all the provisions of the Motor Vehicles Act, for the reason that it does not have any registration

-2-

with the transport authority nor it is ensured and the driver may not even have a driving licence in some cases. In case of accident etc., the liability under the provisions of the Motor Vehicles Act may not be properly enforced.

It has been pointed out by Mr. Raval, learned ASG that most of the State authorities have not enforced the said circular or clarification made by the Central Government.

In view of the above, the Court suo-moto
impleads all the States through the respective
Transport Secretary/Commissioner as the party
respondents. Rajasthan State Road Transport
Corporation may serve a copy of the petition upon
all Standing counsel of the States. They may take
instructions within four weeks and produce any
circular issued by the Transport Authority of that
State before this Court.

List this matter immediately on re-opening
after the summer vacation.

(DEEPAK MANSUKHANI)
Court Master

(M.S. NEGI)
Court Master