

ITEM NO.21

COURT NO.7

SECTION PIL-W

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

Writ Petition(Civil) No. 295/2012

S. RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

[HEARD BY : HON. J.B. PARDIWALA AND HON. K.V. VISWANATHAN,
JJ.]....

[MR. GAURAV AGRAWAL, SENIOR ADVOCATE IS AMICUS CURIAE]....
[ONLY IA NOS. 43387/25, 119142/25, 288063/2025, 288062/2025,
6710/2025, 58244/2023, 24181/2025, 33035/2021, 71387/2023,
202442/2023, 36566/2024, 43519/2024, 64319/2024, 77921/2024,
278218/2024, 66919/2025, 89362/2025, 116257/2025, 119831/2025,
198996/2025, 207551/2025, 211571/2025 AND 233571/2025 ARE LISTED
UNDER THIS ITEM]

IA No. 58244/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No.
19831/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 116257/2025 -
APPROPRIATE ORDERS/DIRECTIONS, IA No. 66919/2025 - APPROPRIATE
ORDERS/DIRECTIONS

IA No. 288062/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No.
3387/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 202442/2023 -
APPROPRIATE ORDERS/DIRECTIONS, IA No. 26710/2025 - APPROPRIATE
ORDERS/DIRECTIONS

IA No. 24181/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No.
33035/2021 - CLARIFICATION/DIRECTION, IA No. 233571/2025 -
CLARIFICATION/DIRECTION. IA No. 71387/2023 -
CLARIFICATION/DIRECTION

IA No. 288063/2025 - INTERVENTION APPLICATION, IA No. 64319/2024

- PERMISSION TO ADD FURTHER ADDITIONAL PRAYERS IN THE APPLICATION FOR DIRECTION,IA No. 278218/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION,IA No. 198996/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION,IA No. 119142/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION,IA No. 77921/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION,IA No. 89362/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION,IA No. 43519/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION,IA No. 36566/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION,IA No. 211571/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION,IA No. 207551/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 09-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

MR. GAURAV AGRAWAL, SENIOR ADVOCATE IS AMICUS CURIAE

Mr. Ravi Raghunath, AOR
Mr.Nakul Patwardhan, Adv.
Ms. Kaarunya Lakshmi, Adv.
Ms. Sejal Jain, Adv.
Mr. Jagatjeet Singh, Adv.

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

For Applicant in
I.A. No.288062/2025 : Mr. Sunil Ahya,Adv.
Mr. Anil Kumar, AOR

For Respondent(s) : Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr.Raghav Agarwal, Adv,
Ms. Ankita Chaudhary, Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. Vikramjit Bannerjee, A.S.G.
Ms. Madhulika Upadhyay Aor), Adv.

Mr. Sharath Nambiar, Adv.
Mr. B.k.satija, Adv.
Mr. T.s.sabarish, Adv.
Mr. Debojit Borkakati, Adv.
Mr. Jagdish Chandra, Adv.

Mr. Vikramjit Banerjee, A.S.G.
Mr. Sharath Nambiar, Adv.
Mr. T.s.sabarish, Adv.
Mr. Debojit Borkakati, Adv.
Ms. Tusharika Sharma, Adv.
Mr. Sudarshan Lamba, AOR

Mr. Gurmeet Singh Makker, AOR
Mr. Viresh B. Saharya, AOR

Mr. Merusagar Samantaray, AOR
Mr. Kanishk, Adv.
Mr. Anurag Yadav, Adv.
Ms. Tharani Sre, Adv.

Mr. N.k. Kaul, Sr. Adv.
Ms. Ankita Chaudhary, AOR
Mr. Shreyas Balaji, Adv.
Mr. Chand Kapoor, Adv.
Ms. Dhanya, Adv.
Mr. Raghav Aggarwal, Adv.

Mr. Santosh Kumar - I, AOR
Mr. Pradeep Misra, AOR

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

Mr. Sunny Choudhary, AOR

Mr. Nitin Lonkar, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.
Mr. Shantanu Sagar, AOR
Mr. V. N. Raghupathy, AOR

Mr. Nishe Rajen Shonker, AOR
Ms. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.
Mrs. Devika A.l., Adv.

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

Mr. M. P. Vinod, AOR

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

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

Ms. Savita Singh, AOR
Ms. Visakha Raghuram, Adv.

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

Mr. Shreekant Neelappa Terdal, AOR
Mr. Neeraj Shekhar, AOR

Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Mr. Aryan Srivastava, Adv.
Ms. Aakash Thakur, Adv.

Mr. Vivek Kishore, AOR

Ms. Ruchira Gupta Standing Counsel, Adv.
Ms. Tulika Mukherjee, AOR
Mr. Beenu Sharma, Adv.
Mr. Venkat Narayan, Adv.
Mr. Mohtisham Ali, Adv.
Ms. Sumriddhi Agarwal, Adv.
Mr. Nitender Yadav, Adv.

Ms. Ruchira Goel, AOR
Mr. Sharanya, Adv.
Ms. Ritika Rao, Adv.
Ms. Rishika Rishabh, Adv.

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

Mr. Anando Mukherjee, AOR

Ms. Shirin Khajuria, Sr. Adv.
Ms. Swati Tiwari, Adv.
Mr. Gopal, Adv.
Mr. Rajan Narain, AOR

Mr. Aravindh S., AOR
Ms. Anika Bansal, Adv.
Mr. S.santhosh, Adv.

Mr. Ravi Raghunath , AOR
M/S. Arputham Aruna And Co, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Ms. Sunita Sharma, Adv.
Mr. Annirudh Sharma Ii, Adv.
Mr. Jagdish Chandra Solanki, Adv.

Ms. Jaikriti S. Jadeja, AOR
Ms. Rashmi Nandakumar, AOR

Mr. Amit Anand Tiwari, Sr. A.A.G.
Mr. Sabarish Subramanian, AOR
Mr. Vishnu Unnikrishnan, Adv.
Ms. Jahnavi Taneja, Adv.

Mr. D. K. Devesh, AOR
Mr. Kunal Mimani, AOR

Ms. Deepanwita Priyanka, AOR
Mr. Satyalipsu Ray, Adv.
Mr. Prashant Bhagwati, Adv.
Ms. Priyal Sheth, Adv.

Mr. Raghvendra Kumar, AOR

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

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Shamra, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Shishir Deshpande, AOR

Mr. Divyanshu Kumar Srivastava, AOR
Mr. Alok Nayak, Adv.

Mr. V. Shyamohan, AOR
Mr. Sanjay Jain, AOR

Ms. Devina Sehgal, AOR
Mr. Srikanth Varma Mudunuru, Adv.

Mr. Satyajeet Kumar, AOR
Ms. Astha Sharma, AOR
Mr. Pranaya Kumar Mohapatra, AOR

Mr. Harish Pandey, Adv.
Mr. K.Kant Pandey, Adv
Mr. S.N. Terdal, AOR

Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.
Mr. Uprendra Mishra, Adv.
Mr. P.S. Negi, Adv.

Mr. Amit Kumar Chawla, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Satvik Sharma, Adv.
Mr. Anupam Kumar, Adv.
Mr. Raghavendra Pratap Singh, Adv.

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

1. We heard Mr. Gaurav Agrawal, the learned *Amicus*, and Mr. K.C.Jain, the learned applicant appearing in person. On the other hand, we heard Mr. Neeraj Kishan Kaul, the learned senior counsel appearing for the General Insurance Companies Counsel

assisted by learned counsel Mr. Raghav Agarwal and Ms. Ankita Chaudhary, respectively and Ms. Ruchira Goel, the learned counsel appearing for the State of U.P.

2. Today, we have before us the report of the Supreme Court Committee dated 06.04.2026, and the note of learned *Amicus*.

3. It appears that in due deference to the order passed by this Court dated 20.11.2025 in Writ Petition (C)No. 295 of 2012, the Committee held a preliminary meeting on 24.11.2025. The views of the Committee as expressed in the report read thus:

"29. The Supreme Court Committee on Road Safety after conducting various meetings with the relevant stakeholders wishes to highlight certain aspects relating to the application.

30. The application focuses on Section 162 of the Motor Vehicles Act, 1988 and the need to have a capless limit on medical expenses. One must, therefore, look at the legislative framework of the Act. Chapter XI of the Act deals with "Insurance of Motor Vehicles against Third Party Risks".

31. It is important to highlight Section 147(2) of the M.V. Act. The section provides for limit on liability for third party insurance. Specifically, it states "the

Central Government shall prescribe a base premium and the liability of an insurer in relation to such premium for an insurance policy under sub-section (1) in consultation with the Insurance Regulatory and Development Authority.” Therefore, it is permissible to have certain limits on the liability borne by insurers for third party insurance. The Committee, therefore, further wrote to DFS and MORTH for their views on the said section.

32. DFS has stated that Third Party Insurance Liability cannot be uncapped. The General Insurance Companies have pointed out the burden uncapped Third Party Insurance has created. Unlike Air or Railway accident compensation, motor vehicle accidents burden is not capped. DFS has repeatedly written to MoRTH for notifying the cap mandated by Section 147(2). However, MoRTH has not yet notified any cap. MoRTH has sent a reply on 30th March, 2026. Copy of letter of MoRTH dated 30th March, 2026 is annexed as Annexure-K.

33. The Committee wishes to highlight that the cashless treatment scheme was introduced to ensure that road accident victims are not left without any means of accessing medical care immediately after the accident. The cap on the amount of Rs.1.5 lakh/ 7 days has been introduced after due deliberations and is not arbitrary or under inclusive and at same time ensures that there is no misuse by fraudulent claim.

34. The Committee has directed MoRTH to monitor the initial feedback of the Scheme. As and when, it is felt

that a higher amount would be needed to cover medical expenses arising from such accidents, the same shall be increased. At this stage as the Scheme is in its nascent stage for its implementation, MoRTH will be collecting feedback on regular basis from all States with a view to ascertain whether the Scheme is functioning smoothly and efficiently by providing proper treatment or whether there arise a need to enhance the cap to a higher limit than what is presently provided in the Scheme."

4. The final conclusion drawn by the Committee in its report, referred to above, reads thus:

"1) The Committee after careful deliberation with all the relevant stakeholders is of the considered opinion that

a) The Cashless Treatment Scheme is a recently introduced scheme. The Scheme is still in its nascent stages. The Scheme was formulated following the pilot project and the feedback received thereof. The Scheme is a step towards ensuring timely medical care to road accident victims.

b) The Applicant raises an important issue and one that will require constant monitoring to ensure that road accident victims are not denied medical care.

c) This Committee is of the opinion that as the pilot project indicated that 98.64% of all road accident

victims utilized less than Rs.60,000/- on medical expenses. However, as a measure of abundant caution and to ensure that the scheme covers as many individuals as possible, the financial limit is presently is capped at Rs 1.5 Lakh DFS has also indicated that the Scheme may be unviable if it is uncapped and, therefore, any such Scheme has to have capping/ceiling The resources have to be best utilized for the larger public good and there is a need to safeguard against non-road accident cases and/or fraudulent claims.

d) Most importantly, the Committee finds that the cashless treatment Scheme does not stop any road accident victim to ensure benefits of other Schemes in force. A road accident victim may be catered to by multiple Schemes of the Central or State Government for which they are eligible. The Cashless Treatment Scheme was introduced to ensure that no road accident victim is denied medical care during the crucial 'Golden Hour' period.

e)This Committee also requested the MORTH LO update the cap of Rs.1.5 Lakh as and when the feedback from the scheme indicates the same. The MoRTH as mentioned above is actively monitoring the Scheme in its initial roll out phase. The MoRTH is cognizant that the Scheme limit may reconsidered based on the feedback of the rollout This Committee also requested the MORTH LO update the cap of Rs.1.5 Lakh as and when the feedback from the scheme indicates the same.

The MoRTH as mentioned above is actively monitoring the Scheme in its initial roll out phase. The MoRTH is cognizant that the Scheme limit may reconsidered based on the feedback of the rollout

f) Depending upon the trutial feedback received from all the States on the implementation of the Scheme in next six months or 1 year, the issue question can be re-examined in better perspective.

g) The Committee will constantly monitor and evaluate the implementation of the Scheme by calling periodical reports from holders/States, through MoRTH. to see that no injustice is done to any innocent victim and will keep submitting its views to the Hon'ble Supreme Court for passing appropriate orders depending upon the actual feedback received from the States. Indeed, this was also the request made by all stakeholders, who participated in the deliberations.

h) In fact, further data would be required and from the manner of implementation and the feedback received, it can be considered as to in what manner, the time period of treatment may be extended, the linkages required to access medical aid to road accident victims in government hospitals, and prevent misuse of the scheme for treatment not related to road accidents at all. A reasonable balance would have to be struck, going forward.

(2) The Committee considers proper to place on record that in all the meetings that were held by the Committee, it was throughout observed that all stakeholders representatives were unanimous on one issue namely that the object of the Act and the Schemes being for the public good to save the life of victim immediately after the occurrence of the accident, this objective will not be compromised and all efforts, including changes that may be required from time to time to fulfill this laudable objective, would be carried out as per the directives of the Hon'ble Supreme Court, without any delay.

5. What we have been able to gather from the report of the Committee is that the Cashless Treatment Scheme is at a very nascent stage. The scheme is a step towards ensuring the timely medical care to road accident victims.

6. What is important to note is that the committee has requested the Ministry of Road Transport & Highways (for short, "the MoRTH) to update the cap of Rs.1.5 Lakh as and when the feedback from the scheme indicates the same. The Morth has also been actively monitoring the scheme in its initial rollout phase.

7. The Committee in its report has informed that it would

constantly monitor and evaluate the implementation of the scheme by calling periodical reports from all stakeholders/states through MoRTH. Once some concrete material comes on record as regards the functioning of the scheme the cap issue would also be determined accordingly.

8. The learned *Amicus* would also like to look into the aforesaid aspect and offer his suggestions to the Committee including this Court. The General Insurance counsel shall also put forward their suggestions before the Committee.

9. At this stage, Mr. Jain, appearing in person, brought to our notice two provisions of the Motor Vehicles Act, i.e., Sections 162(1) and (2), respectively. This will also be looked into by the learned *Amicus* and the learned *Amicus* offer his comments on the same.

10. Insofar as the aforesaid issue is concerned, we leave it to the learned *Amicus* to come back to us by mentioning the matter.

11. We also looked into the affidavit filed on behalf of the State of U.P. duly affirmed by the Special Secretary, Home Department. In the affidavit the following has been stated.:-

"I, Rakesh Kumar Malpani, S/o Shri Radhey Shyam Malpani,

aged about 57 years, presently posted as Special Secretary, Home Department, Government of Uttar Pradesh, do hereby solemnly affirm and state as under:

- 1. That the present Affidavit is being filed pursuant to the Order dated 22.01.2026 passed by this Hon'ble Court in the captioned matter, whereby this Hon'ble Court directed the State of Uttar Pradesh to, in compliance with its Affidavit dt. 19.01.2026, undertake the necessary amendment to the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Proceedings) Act, 1979 in accordance with law within a period of six weeks. The present Affidavit is being filed to place on record the steps taken by the State Government in compliance thereof.*

- 2. That it is respectfully submitted that the present matter pertains to the challenge to the constitutional validity of the amendments made to the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Proceedings) Act, 1979.*

- 3. That as detailed in the State's previous Affidavit, the State had, pursuant to this Hon'ble Court's observations in Order dt. 20.11.2025, and the legal opinion obtained in this regard, decided to amend Section 9 of the Uttar Pradesh Criminal Law (Composition of*

Offences and Abatement of Proceedings) Act, 1979 to ensure that non-compoundable offences, offences punishable with mandatory imprisonment, and subsequent/repeat offences are not made subject to abatement.

4. *That since the State Legislature is not presently in session, the proposed amendment is being brought through an Ordinance, namely the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Proceedings) (Amendment) Ordinance, 2026.*
5. *That it is further submitted that the draft of the proposed Ordinance has already been prepared and approved at the competent level, and the process for obtaining approval of the Hon'ble Council of Ministers for promulgation of the Ordinance is presently under consideration and being pursued on priority basis.*
6. *That the present Affidavit is being filed to pursuant to the Order dated 22.01.2026 and may be taken on record.*

DEPONENT

VERIFICATION

Verified that the facts stated hereinabove are true to my knowledge as derived from official record and nothing material has been concealed therefrom.

Verified at _____ on this _____ day of _____.

DEPONENT

12. It appears from the aforesaid that the draft of the proposed Ordinance has already been prepared and approved at the competent level and is pending for approval of the Council of Ministers for promulgation of the Ordinance.

13. We are informed by Ms. Ruchira Goel, the learned counsel appearing for the State that in fact the Council of Ministers has also approved and the matter is now pending before the Governor of the State.

14. Insofar as the aforesaid issue is concerned, let this matter be heard further on 12th May, 2026. Once the Ordinance comes into force the learned *Amicus* will look into it and assist us further.

15. The learned *Amicus* has brought to our notice that there are in all 21 interim applications pending as on date before this Court and they need to be looked into so that appropriate orders can be passed. We may give a brief summary of each of the I.A.

The same reads thus:-

"1) IA No.26710 of 2025
[Re- Integration of motor vehicle data across multiple online platform/data base]

- 2) IA No.58244 of 2023:
[Re- Recovery of e-challans]
- 3) IA No.33035 of 2021
[Re- Electronic monitoring of road safety]
- 4) IA No.24181 of 2025
[Re- Management Information System for District Road Safety Committee]
- 5) IA No.43387 of 2024 and IA No.202442 of 2023
[Re- Cashless Treatment of road accident victims]
- 6) IA No.71387 of 2023 & IA No.89362 of 2025
[Re- Hit & Run cases]
- 7) IA No.36566 of 2024
[Re- Swift response protocol]
- 8) IA No.43519 of 2024
[Re- Functioning of National Road Safety Board]
- 9) IA No.64319 of 2024
[Relating to Potholes]
- 10) IA No.77921 of 2024
[Re- Speed Limiting Devices/Speed Governors]
- 11) IA No.278218 of 2024
[Re- Vehicles without third party insurance]
- 12) IA No.66919 of 2025
[Re- Citizen sentinel initiatives for traffic enforcement]
- 13) IA No.116257 of 2025
[Re-accidents due to Tire Bursts]
- 14) IA No.119831 of 2025
[Re- Tracking device in public service vehicles]
- 15) IA No.198996 of 2025
[Re-Water logging/ poor drainage]
- 16) IA No.207551 of 2025

[Re-National Road Safety Council]

17) IA No.211571 of 2025

[Re-Tractor-trolley-non transport vehicles]

18) IA No.233571 of 2025

[Re-Accidents due to Overloading of vehicles]

19) IA No.119142 of 2024

[Re- Constitutionality of Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Proceedings) Act, 1979 and subsequent amendments]

20) IA No.288062 of 2025

[Re- lack of footpaths in Mumbai]

21) IA No.50798 of 2025

[Re-footpaths]

16. We leave it to the learned Amicus to give us the number of those I.As. which require urgent hearing. The three I.As, referred to below, shall be taken up on 12.5.2026:-

1) IA No.77921 of 2024

[Re- Speed Governors in Transport Motor Vehicles]

2) IA No.119831 of 2025

[Re- Vehicle Location Tracking System Device for public service vehicles]

3) IA No.43519 of 2024

[Re- Functioning of National Road Safety Board (NRSB)]

17. Mr.Sunil Ahaya, the learned counsel submitted that he has also filed one interim application, i.e., I.A. No. 288062 of

2025. This I.A. relates to preparing City wide master plan for footpaths and pedestrians. The BMC and Union of India shall file an appropriate reply to this I.A. before the next date of hearing.

18. One copy each of the reply that may be filed shall be furnished to the learned counsel appearing for the applicant in the said I.A.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)