

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

Petition(s) for Special Leave to Appeal (Civil) No(s).25237/2010

(From the judgement and order dated 21/08/2009 in CMWP No.15440/1998 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

ABHAY SINGH

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and exemption from filing O.T. and correction of pleadings and permission to file additional affidavit and c/delay in filing affidavit and with office report)

WITH SLP(C) NO. 23984 of 2010

(With appln.(s) for urging addl.grounds and permission to file additional affidavit and exemption from filing O.T. and with prayer for interim relief and office report)

Date: 04/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr.Harish N.Salve, Sr.Adv.
Ms.Christi Jain, Adv.
Mr.Anurag Gohil, Adv.

For Respondent(s) Mr.Sidharth Luthra, ASG
For NCT of Delhi Mr.Brijender Chahar, Sr.Adv.
Ms.Rashmi Malhotra, Adv.
Ms.Supriya Juneja, Adv.
Ms.Sunita Sharma, Adv.
Mr. D.S. Mahra, Adv.

For MOH Ms.Indira Jaisingh, ASG
Mr.Aman Ahluwalia, Adv.
Mr.Farrukh Rasheed, Adv.
Ms.Supriya Jain, Adv.
Mr.B.K.Prasad, Adv.

For State of Punjab Mr.Sidharth Luthra, ASG
Mr.Ajay Bansal, AAG
Mr.B.Chander, Adv.
Mr.Kuldip Singh, Adv.
Mr.Gaurav Yadav, Adv.

For State of Uttarakhnad Mr.Rakesh Diwedi, Sr.Adv.
Mr.Abhishek Atrey, Adv.
Mr.Prateek Dwivedi, Adv.

For State of Raj. Mr.Jasbir Singh Malik, AAG
Mr.Varun Punia, Adv.
Ms.Pragati Neekhara, Adv.

For State of Haryana Mr.Narendra Hooda, Sr.AAG
Mr.Manjit Singh, AAG
Ms.Nupur Choudhary, Adv.

For State of Mah. Mr.Shankar Chillarge, AAG
Ms. Asha Gopalan Nair, Adv.

For State of U.P. Mr.Gaurav Bhatia, AAG
Mr.Anuvrat Sharma, Adv.

For State of H.P. Mr.Suryanaryana Singh, AAG
Ms.Pragati Neekhara, Adv.

For State of T.N. Mr.Subramoniam Prasad, AAG
Mr.B.Balaji, Adv.
Mr.R.Rakesh Sharma, Adv.
Mr.T.Mouli Mahendran, Adv.

For State of Kerala Mr.Ramesh Babu M.R., Adv.

For State of Assam Mr.Riku Sarma, Adv.
Mr.Navnit Kumar, Adv.

For State of Andhra Pradesh Mr.Koka Raghava Rao, Sr.Adv.
Mr.G.N.Reddy, Adv.
Mr.Debojit, Adv.

For State of Chhattisgarh Mr.Atul Jha, Adv.
Mr.Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

For State of J & K Mr.Sunil Fernandes, Adv.
Ms.Astha Sharma, Adv.
Ms.Insha Mir, Adv.
Ms.Renu Gupta, Adv.

For State of Arunachal Pradesh Mr.Anil Shrivastav, Adv.
Mr.Rituraj Biswas, Adv.

For State of Odisha Mr.Shibashish Misra, Adv.
Mr.Suvinay Dash, Adv.

For State of Manipur Mr.Khwairakpam Nobin Singh, Adv.

For State of W.B. Mr.Avijit Bhattacharjee, Adv.
Mr.Bikas Kar Gupta, Adv.
Ms.Sarbani Kar, Adv.

For UT of Puducherry Mr.V.G.Pragasam, Adv.
Mr.S.J.Aristotle, Adv.
Mrs.Prabu Ramasubramanian, Adv.

For State of M.P. Mr.Mishra Saurabh, Adv.
Mr. Gunnam Venkateswara Rao, Adv.

For RR No.6 Mr. Sunil Kumar Jain, Adv.
Mr.Sachin Sharma, Adv.
Ms. Anuradha Mutatkar, Adv.

For UT, Chandigarh Mr. Jatinder Kumar Bhatia, Adv.

For State of Gujarat Ms.Hemantika Wahi, Adv.

For State of Jharkhand Mr. Gopal Prasad, Adv.
Mr.Sarbjeet Dutta, Adv.
Mr.Jayesh Gaurav, Adv.

For State of Nagaland Mrs.K.Enatoli Sema, Adv.
Mr.Amit Kumar Singh, Adv.

For State of Sikkim Mrs.Aruna Mathur, Adv.
Mr.Yusuf Khan, Adv.

For State of Goa Mr.Siddharth Bhatnagar, Adv.

Mr. T. Mahipal, Adv.

For State of Bihar Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.
Mr. Chandan Kumar, Adv.

For State of Tripura Mr. Gopal Singh, Adv.
Mr. Ritu Raj Biswas, Adv.

For State of Karnataka Mr. V.N. Raghupathy, Adv.

For State of Meghalaya Mr. Ranjan Kumar Mukherjee, Adv.
Mr. S.C. Ghosh, Adv.
Mr. Tayenjam Momo Singh, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. Shreekant N. Terdal, Adv.

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

Heard further arguments of Shri Harish N. Salve, learned senior counsel for the petitioner, Ms. Indira Jaisingh, learned Additional Solicitor General representing the Union of India, Shri Sidharth Luthra, learned Additional Solicitor General representing the Union Territories of Daman and Diu, Dadra and Nagar Haveli, Andaman and Nicobar Islands, Lakshadweep, the Government of NCT of Delhi and the State of Punjab, Shri Rakesh Dwivedi, learned senior counsel appearing for the State of Uttarakhand, Shri Gaurav Bhatia, learned Additional Advocate General appearing for the State of Uttar Pradesh and other learned counsel.

The Motor Vehicles Act was enacted in 1988 and the Rules were framed by the Central Government and various State Governments in 1989. The legislative bodies and the authorities have not thought it proper to make appropriate amendments to bring the provisions of the Act and the Rules in conformity with the aspirations of the people of a republic and even now a small section of the society considers itself to be as a special category as compared to other citizens. This appears to be the primary reason why the Governments after Governments have issued notifications under Section 6 of the 1988 Act and the rules framed thereunder authorising the use of beacons on government vehicles (some persons use such beacons even on private vehicles). The time has come when the use of beacons on the vehicles, government or non-government is drastically restricted so that the people's right to freedom of movement is not hindered in any manner whatsoever.

Learned counsel representing some of the State Governments have not controverted the assertion made by Shri Salve that not only the high dignitaries on duty but large number of other elected and non-elected persons are allowed to use beacons and sirens/hooters causing serious inconvenience to the general public using the roads and even otherwise.

Shri Salve also brought to our notice the fact that the vehicles of the States neighbouring NCT of Delhi use beacons with flashers and sirens even though they are not permitted to do so in the NCT of Delhi.

With a view to ensure that menace of beacons on vehicles and use of sirens is stopped except in the cases of heads of the constitutional institutions, we deem it proper to give an opportunity to the Central Government as also the Governments of all the States and the Administration of the Union Territories to amend the relevant provisions of the Rules and the notifications issued under Rule 108 of the Central Motor Vehicles Rules, 1989 and corresponding provisions in the State Rules as also Rule 119 for restricting the use of beacons by the heads of political executive, legislature and judiciary only and total prohibition on the use of siren except by police, ambulances, fire fighters, Army and those permitted in Rule 119(3) of the 1989 Rules and the corresponding Rules framed by the State Governments.

We also deem it proper to indicate that it will be prudent for

the Central Government and the State Governments as well as the administration of the Union Territories to substantially increase the fine for violation of the provisions of the 1988 Act and in particular those relating to the matters indicated hereinabove.

For further consideration of this issue, the matter be listed on 9.7.2013.

The Governments of different States including the States of Uttar Pradesh and Uttarakhand shall be free to take appropriate measures in this regard notwithstanding the judgment or order of any High Court for use of red lights on the cars of the Judges.

Shri Salve requests that the Court may issue direction against the intrusion of the police vehicles from other States in the area of NCT of Delhi in the name of providing security to the specified dignitaries. He pointed out that the vehicles of the States of Haryana, Punjab, Rajasthan and Uttar Pradesh frequently enter the area of NCT of Delhi with armed personnel pointing guns at the citizens.

Learned counsel representing the States of Haryana, Punjab, Rajasthan, Uttar Pradesh, Uttarakhand and Government of NCT of Delhi should respond to the submission of Shri Salve within seven days.

List these cases on 17.04.2013.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master