

LISTED ON 20.01.2016

COURT NO. 1

ITEM NO. 14

SEC.IVA

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 1864 OF 2015  
WITH PRAYER FOR INTERIM RELIEF

S. M. Auto Engineering Private Ltd. & Anr.

...PETITIONERS

- VERSUS -

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Auto Drivers Welfare Association (Regd) & Ors.

...RESPONDENTS

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 09.12.2015, when the Court was pleased to pass the following Order:

***" Mr. Gopal Subramaniam, learned senior counsel appearing for the petitioners has submitted that introduction of quadricycle as a vehicle does not come within the dictionary clause as enshrined under Section 2(25), 2(26) and 2(27) of the Motor Vehicles Act, 1988 (for short, 'the 1988 Act'). It is further urged by him that, however, it would come within Section 2(28) of the 1988 Act. Learned senior counsel has drawn our attention to Chapter VII of the 1988 Act, especially Sections 109 to 111 which deal with construction, equipment and maintenance of motor vehicles. Emphasis is on the safety on the road as such a submission has been advanced in the backdrop of Article 21 of the Constitution and the statutory provisions.***

***Learned senior counsel has drawn our attention to the Central Motor Vehicles Rules, 1989 (for short, 'the Rules), especially to Rule 2(I). The said Rule reads as follows:-***

***"2(I) 'Category M1' means a motor vehicle used for carriage of passengers, comprising not more than eight seats in addition to the driver's seat.***

***Note.- Definitions of type of body work for motor vehicles of Category M1 shall be in accordance with Annexure 1 of AIS 053:2005, as amended from time to time, till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986);]"***

**Thereafter, he has referred us to Rule 2(m) to 2(rf). It is emphatically put forth by him that though the Note appended to Rule 2(l) refers to M1 category, yet all the categories of vehicles that come on road or likely to come on road have to meet the standard prescribed by the Bureau of Indian Standards. It is further urged by him that Rule 2(z) introduces "quadricycle" as a four wheeled vehicle having certain features seems to appear to be complete in itself, but it cannot remain alien to the command of Note to Rule 2(l), for that insists on getting clearance for the purpose of safety.<sup>2</sup>**

**In course of hearing Mr. Gopal Subramaniam and Mr. C.A. Sundaram, learned senior counsel, has referred us to the Check List of Draft Amendment No.3 of 2014. It reads as follows:**

**"1. Page No.8/14, after clause 3.11.**

**Insert new clause 3.12 as follows:**

**3.12 Category L7-Quadricycle- Means a vehicle defined in clause (2) of G.S.R.99(E)**

**3.12.1 Category L7-M: means a quadricycle of category L7 used for carrying passengers, having seats not more than 4 (including driver) and kerb weight not exceeding 450 kg.**

**3.12.2 Category L7-N: means a quadricycle of category L7 used for carrying goods, having seats not more than 2 (including driver) and kerb weight not exceeding 550 kg.**

**Explanation: Kerb weight of the vehicle referred in 3.12, 3.12.1 and 3.12.2 shall be as per IS 9211:2003 but does not include the following:**

- a) weight of batteries in the case of electric/hybrid vehicles or,**
- b) weight of gaseous fuel system including tanks for gaseous fuel storage in the case of mono, bi or multi-fuel vehicles."**

**Referring to the same, it is canvassed that by virtue of introduction of the new clause, an endeavour has been made by the Central Government to reduce the rigor of standard only to cover quadricycle, which is impermissible.**

***Learned senior counsel would contend that the Central Government has the authority to amend the standards from time to time, but regard being had to the number of vehicles on the road and the prevalent conditions, by no stretch of imagination, the rigor cannot be reduced. On the contrary, contend learned senior counsel that the strictness may be enhanced, for there cannot be a situation where it can be lessened. The primary concern, as it appears to us, is the safety of the people who travel on the road and the nature and character of the vehicle i.e. quadricycle, when it will come on the road and its affect. Needless to say, the Court is not an expert in this matter, but indubitably there has to be a clearance from the competent authority, i.e. Bureau of Indian Standards or Automobile Industries Standard (AIS).***

***Ms. Pinky Anand, learned Additional solicitor General appearing for the Union of India would submit that the vehicle, quadricycle, is being covered under Rule 2(z) of the Rules and there is specific safety standards for the quadricycle.***

***Regard being had to the aforesaid rivalised submissions, we would like to peruse the file in entirety which deals with the safety standards in this regard. Let the file be produced by the Central Government on the next date of hearing.***

***Let the matter be listed on 20th January, 2016.***

***Learned counsel for the parties shall file their respective convenience volumes by 10th January, 2016."***

It is submitted to the Hon'ble Court that Learned counsel for the parties have not filed their respective convenience volumes, so far.

Service of show cause notice is complete.

The matter above mentioned is listed before the Hon'ble Court with this office report.

Dated this the 19th day of January, 2016.

ASSISTANT REGISTRAR

COPY TO :

Mr. E. C. Agarwal, Advocate  
Mr. Vishnu Sharma, Advocate  
Ms. Rachana Gupta, Advocate  
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PC2