

ITEM NO.44

COURT NO.1

SECTION XI

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 (C) No(s). 25237/2010

(Arising out of impugned final judgment and order dated 21/08/2009 in CMWP No. 15440/1998 passed by the High Court of Judicature at Allahabad)

ABHAY SINGH

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(With application for condonation of delay in filing affidavit, correction of pleadings, exemption from filing O.T., extension of time, intervention, c/delay in filing compliance, modification of court's order, permission to file additional affidavit, and additional documents, exemption from filing personal appearance and office report.)

WITH

SLP(C) No. 23984/2010

(With appln.(s) for exemption from filing O.T., permission to file additional affidavit, extension of time, permission to file additional affidavit, urging addl. grounds, prayer for interim relief and Office Report)

W.P.(C) No. 138/2014

(With Office Report)

Date: 19/01/2015

These petitions were called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE R.K. AGRAWAL

Amicus Curiae

Mr. Harish N. Salve, Sr. Adv.

For Petitioner(s)

Mr. Sushil Kumar Jain, Sr. Adv.
Ms. Pratibha Jain, Adv.

For Respondent(s)

Mr. Ranjit Kumar, SG
Ms. Binu Tamta, Adv.

Mr. D.L. Chidananda, Adv.
Ms. Sushma Suri, Adv.

Mr. Ranjit Kumar, SG
Mr. Rana Mukherjee, Adv.
Mr. W.A. Quadri, Adv.
Mr. Zaid Ali, Adv.
Mr. D. S. Mahra, Adv.

Mr. Abhishek Atrey, Adv.
Mr. Tanmay Agrawal, Adv.
Mr. Brijesh Panchal, Adv.
Mr. Sumit Rajora, Adv.

Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anip Sachthey, Adv.

Mr. Shankar Chillarge, Adv.
For Mr. A.P. Mayee, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. B. V. Balaram Das, Adv.

Mr. Dharmendra Kumar Sinha, Adv.

Mr. Manjit Singh, Sr. Adv.
Mr. Rarjit Singh, Adv.
Ms. Vivekta Singh, Adv.
For Mr. Vishwa Pal Singh, Adv.

Mr. Jayesh Gaurav, Adv.
Mr. Gopal Prasad, Adv.

Mr. K. Enatoli Sema, Adv.
Mr. Amit Kr. Singh, Adv.

Mr. Gaurav Bhatia, AAG
Mr. Rajeev Dubey, Adv.
Mr. R.P. Mehrotra, Adv.

Mr. Ajay Bansal, AAG
Mr. Kuldeep Singh, Adv.
Mr. Gaurav Yadav, Adv.

Mr. B.K. Satija, Adv.
Mr. Anil, Adv.
Mr. Ajay Bansal, Adv.

Mr. Guntur Prabhakar, Adv.
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Ms. Anjali Chauhan, Adv.
Ms. Ruchi Kohli, Adv.

Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

Mr. Gopal Singh, Adv.
Mr. Chandan Kuamr, Adv.
Ms. Rashmi Shrivastava, Adv.

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Mr. Gunnam Venkateswara Rao, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Mr. Mishra Saurabh, Adv.

Mr. P. V. Yogeswaran, Adv.

Mr. Ravi Prakash Mehrotra, Adv.

Mr. Shibashish Misra, Adv.

Mr. Sunil Fernandes, Adv.

Mr. Sunil Kumar Jain, Adv.

Mr. Siddharth Bhatnagar, Adv.
Mr. Sidharth Mohan, Adv.
Mr. Rahul Arya, Adv.
Mr. T. Mahipal, Adv.

Mr. V. N. Raghupathy, Adv.

Ms. Anuradha Mutatkar, Adv.

Mr. A. Mariarputham, Adv. Gen.
Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Mr. K. Vijay Kumar, Adv.
For M/s Arputham Aruna & Co.

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Mr. Ashok Kr. Singh, Adv.

Ms. Asha Gopalan Nair, Adv.

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Ms. Hemantika Wahi, Adv.
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Mr. Abhishek Kumar Jha, Adv.

Mr. C.D. Singh, Adv.
Ms. Damini Hajela, Adv.

Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.

Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

Mr. Shreekant N. Terdal, Adv.

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

By order dated 10.12.2013, we had issued the following
directions:

- | | xxx | xxx | xxx |
|----|-----|----------------|--|
| 1. | The | term | "high dignitaries" used in proviso (iii) to Rule 108(1) of the 1989 Rules takes within its fold the holders of various posts, positions and offices specified in the Constitution. |
| 2. | The | motor vehicles | carrying "high dignitaries" specified by the Central Government and their counterparts specified by the State Government may be fitted with red lights but the red lights with or without flasher can be |

used only while the specified high dignitary is on duty and not otherwise.

3. The State Governments and Administration of Union Territories cannot enlarge the scope of the term "high dignitaries" beyond what is prescribed in clauses 'c' and 'd' of Notifications dated 11.1.2002 and 28.7.2005 issued by the Central Government. Therefore, they shall amend the relevant rules and notifications to bring them in tune with the 1989 Rules and notifications dated 11.1.2002 and 28.7.2002 issued by the Central Government. This exercise must be completed within a period of three months.
4. The men in uniform; operational agencies which require un-hindered access to the roads for performance of their duty; those engaged in emergency duties such as ambulance services, fire services, emergency maintenance etc, and police vehicles used as escorts or pilots or for law and order duties shall not be entitled to have red lights but lights of other colours, e.g., blue, white, multi-coloured etc.
5. No motor vehicles except those specified in Rule 119(3) of the 1989 Rules or similar provisions contained in the rules framed by the State Governments or the Administration of Union Territories shall be fitted with multi-toned horns giving a succession of different notes or with any other sound producing device giving an unduly harsh, shrill, loud or alarming noise.
6. The police officers and other authorities entrusted with the task of enforcing the provisions of the 1988 Act and the Rules framed thereunder must discharge their duties without any fear or favour and should impose appropriate penalty on those who violate the prohibition contained in Rule 108(1) and Rule 119 and similar rules framed by the State Governments and the Administration of

Union Territories. The owners/users of the vehicles fitted with multi-toned horns other than those allowed to use such horns under Rule 119(3) of the 1989 Rules or corresponding rules framed by the State Governments and the Administration of the Union Territories shall, within a period of one month from today, remove the multi-toned horns. The officers authorised to enforce the provisions of the 1988 Act and the rules framed thereunder by the Central Government, the State Governments and the Administration of Union Territories shall also ensure that multi-toned horns are removed from all the vehicles except those specified in rule 119(3) of the 1989 Rules or corresponding rules framed by the State Governments and the Administration of Union Territories.

7. The Chief Secretaries of all the States and the Administrators of Union Territories shall cause a notice published in the newspapers having wide circulation in their respective States and the Union Territories incorporating the directions contained in this order.

In the note submitted by the learned Solicitor General, it has been mentioned that Clause 51 of the Motor Vehicles (Amendment) Bill, 2012 contains a provision for imposition of enhanced penalty. That amendment is not shown to have been carried out so far. We hope and trust that the Legislature will make appropriate amendment and make provision for imposition of adequate penalty which may operate as deterrent against misuse of the provisions of the 1989 Act and the 1989 Rules generally and the provisions of Rules 108 and 119 in particular. The State Governments and the Administration of the Union Territories shall either amend the existing rules or frame appropriate rules for imposing deterrent penalty on the violators of the rules containing prohibition against the use of red

lights and multi-toned horns or similar devices."

Now an application (I.A. No.20 of 2014) has been filed by the applicant-National Capital Territory of Delhi, wherein, they have requested to modify our earlier order dated 10.12.2013 and permit persons engaged in emergency duty such as ambulance, fire services, emergency maintenance, police and armed forces to use red light/beacon on the vehicles also besides other colour depending on their operational requirements.

The prayer so made by the applicant is not seriously opposed by Shri Harish N. Salve, learned *amicus curiae*.

Keeping in view the request made in the application, in our opinion, if the prayer made in the application is granted, it would not cause any prejudice to the petitioner or any other person.

In that view of the matter, we modify our order dated 10.12.2013 and permit persons engaged in emergency duty such as ambulance, fire services, emergency maintenance, police and armed forces to use red light/beacon on the vehicles also besides other colour depending on their operational requirements.

We are informed by Shri Harish N. Salve, learned *amicus curiae* that till date only two States have filed their reply

affidavits before this Court pursuant to the directions issued by this Court.

If any other State wants to file reply, they can do so before the final hearing of the matters.

List these matters on a non-miscellaneous day in the month of April, 2015.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar