

ITEM NO.3

COURT NO.4

SECTION IV-B

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 (C) No(s).11801-11804/2005

(Arising out of impugned final judgment and order dated 07-12-2004 in FAO No. 4845/2003, 4846/2003, 4847/2003, 4848/2003 passed by the High Court of Punjab & Haryana at Chandigarh)

JAI PRAKASH

Petitioner(s)

VERSUS

M/S. NATIONAL INSURANCE CO. LTD. & ORS. ETC.

Respondent(s)

WITH

W.P.(C) No. 295/2012 (PIL-W)

(WITH APPLN.(S) FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 73660/2017 AND FOR INTERVENTION/IMPLEADMENT ON IA 73665/2017)

Date : 06-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Gopal Subramaniam, Sr. Adv. (A.C.)

Mr. Gaurav Agarwal, Adv. (AC)

Mr. Talha Abdul Rahman, Adv.

Mr. Jayavardhan Singh, Adv.

Mr. Pavan Bhushan, Adv.

For Petitioner(s)

Mr. Manoj Swarup, Adv.

Ms. Lalita Kohli, Adv.

Mr. Sajid Imam Naqvi, Adv.

for M/s Manoj Swarup & Co.

Mr. Krishna Kumar, AOR

Mr. B. Vinodh Kanna, Adv.

Ms. Srujana Suman Mund, Adv.

For Respondent(s)

UOI

Mr. P.S. Narasimha, ASG

Mr. Ajit Kumar Sinha, Sr. Adv.

Mr. S.S. Ray, Adv.

Mr. G.S. Makker, AOR.

NALSA

Mr. Surinder S. Rathi, Director

National Insurance Company	Mr. S.L. Gupta, Adv. Mr. Rajesh Sharma, Adv. Mr. Rajeev Gupta, Adv. Ms. Shalu Sharma, AOR Mr. Mahabir Singh Mangla, Adv. Mr. Varinder Kumar Sharma, Adv. Mr. M.K. Thakur, Adv. Mr. Rajesh K. Sharma, Adv.
GIC	Ms. Prerna Mehta, Adv.
IRDA	Mr. Dipak K. Nag, Adv. Mr. Ekansh Bansal, Adv. Mr. Parmanand Gaur, Adv.
Andaman & Nicobar	Mr. Bhupesh Narula, Adv. Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, Adv.
Andhra Pradesh	Mr. Guntur Prabhakar, Adv. Ms. Prerna Singh, Adv.
Bihar	Mr. Gopal Singh, Adv. Mr. Shreyas Jain, Adv.
Goa	Ms. Ruchira Gupta, Adv. Ms. Mona Sinha, Adv. Ms. Surabhi Mehta, Adv.
Gujarat	Ms. Hemantika Wahi, Adv. Ms. Jesal Wahi, Adv. Ms. Puja Singh, Adv. Ms. Shodhika Sharma, Adv.
Haryana	Mr. Samar Vijay Singh, Adv. Ms. Monika Gosain, Adv.
H.P.	Mr. D.K. Thakur, AAG Mr. Shariq Ahmed, Adv. Mr. Varinder Kumar Sharma, Adv.
J&K	Mr. M. Shoeb Alam, Adv. Ms. Fauzia Shakil, Adv. Mr. Ujjwal Singh, Adv. Mr. Mojahid Karim Khan, Adv.
Jharkhand	Mr. Tapesh Kumar Singh, Adv. Mr. Mohd. Waquas, Adv. Mr. Aditya Pratap Singh, Adv.
Maharashtra	Ms. Swarupama Chaturvedi, Adv.

Mr. Nishant R. Katneshwarkar, Adv.

Manipur Mr. R. Leishangthem Roshmani KH, Adv.

Meghalaya Mr. Ranjan Mukherjee, Adv.

M.P. Mr. Naveen Sharma, Adv.
Mr. Mishra Saurabh, Adv.

Nagaland Mrs. K. Enatoli Sema, Adv.
Mr. Edward Belho, Adv.
Mr. Amit Kr. Singh, Adv.
Mr. K. Luikang Michael, Adv.
Mr. Z.H. Issac Haiding, Adv.

Puducherry Mr. V. G. Pragasam, Adv.
Mr. S. Prabu Ramasubramanian, Adv.
Mr. Manuraj, Adv.

Rajasthan Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Ankit Raj, Adv.
Ms. Indira Bhakar, Adv.
Ms. Ruchi Kohli, Adv.

Sikkim Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Ms. Simran Jeet, Adv.
For M/s Arputham Aruna & Co.

Telangana Mr. S. Udaya Kumar Sagar, Adv.
Mr. Mrityunjai Singh, Adv.

Tripura Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.

West Bengal Mr. Raja Chatterjee, Adv.
Mr. C.K. Ganguli, AOR
Mr. Piyush Sachdev, Adv.

Mr. P. K. Manohar, AOR

Ms. Manjeet Chawla, AOR

Dr. (Mrs.) Vipin Gupta, AOR

Mr. Neelesh Singh Rao, Adv.

Impleader Mr. Saurabh Kirpal, Adv.
Ms. Jaikriti S. Jadeja, Adv.

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

We have heard learned *amicus curiae* as well as learned Additional Solicitor General.

Learned Additional Solicitor General has made some suggestions with regard to the orders prayed for by learned *amicus curiae*.

In the context of the suggestion made by learned *amicus curiae* with regard to the Road Safety Fund, learned Additional Solicitor General says that details will have to be worked out with regard to the corpus and in-flow and out-flow of funds.

Learned *amicus curiae* says that Justice Radhakrishnan Committee would be more than willing to look into this aspect of the matter.

Since we have heard the matter, orders are reserved which we will pronounce in due course.

It is submitted by learned *amicus curiae* that there are three issues that Justice K.S. Radhakrishnan Committee will consider in due course of time:

- (i) Punching of licences in case of any default committed by the driver of a vehicle;
- (ii) Procurement of fake licences and how to eliminate this;
- (iii) Suggestions with regard to footpaths, over-head passes and under-passes for the safety of pedestrians.

It is also pointed out by learned *amicus curiae* that the order passed by Justice Midha referred to in our order of 13th May, 2016 was actually modified by Justice Midha on 12th December, 2014.

The order dated 13th May, 2016 will, therefore, stand modified to the extent that Justice Midha has himself modified his earlier order on 12th December, 2014.

The Registry will send a copy of this order as well as the order passed by Justice Midha on 12th December, 2014 to the Registrar General of each High Court for necessary information and compliance.

List the matters on 23rd January, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER