

ITEM NO.13

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 295/2012

S.RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

(MR. GAURAV AGRAWAL, ADVOCATE IS AMICUS CURIAE IN THE MATTER.....
 [ONLY I.A. NO. 33035/2021 IS LISTED UNDER THIS ITEM.]
 IA No. 33035/2021 - CLARIFICATION/DIRECTION)

Date : 06-01-2023 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
 HON'BLE MR. JUSTICE J.B. PARDIWALA

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

For Respondent(s) Mrs. Madhvi Divan, A.S.G.
 Mr. Gurmeet Singh Makker, AOR
 Mr. R. Bala, Sr. Adv.
 Mrs. Swarupama Chaturivedi, Adv.
 Mrs. Nidhi Khanna, Adv.

Mr. Viresh B. Saharya, AOR

Ms. Prerna Mehta, AOR

Mr. Nishe Rajen Shonker, AOR
 Mrs. Anu K Joy, Adv.
 Mr. Alim Anvar, Adv.

Mr. E. C. Agrawala, AOR
 Ms. Deepanwita Priyanka, AOR
 Mr. Milind Kumar, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Ms. Anupama Ngangom, Adv.
Mr. Karun Sharma, Adv.
Mr. Immanuel Meitei, Adv.

Mr. Azmat Hayat Amanullah, AOR
Mr. Tirupati Gaurav Shahi, Adv.

Mr. V. Shyamohan, AOR
Mr. Kuriakose Varghese, Adv.
Mr. Akshat Gogna, Adv.

Mr. Nirnimesh Dube, AOR
Mr. Siddhesh Kotwal, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Ms. Sampriiti Bakshi, Adv.
Mr. Nihar Dharmadhikari, Adv.

Mr. Narendra Kumar, AOR
Mr. Raghvendra Kumar, Adv.
Mr. Anand Kumar Dubey, Adv.
Ms. Rajlakshmi Singh, Adv.

Mr. B. Balaji, AOR
Mr. Satyajeet Kumar, AOR
Mr. Neeraj Shekhar, AOR
Mr. Santosh Kumar - I, AOR

Mr. Tapesk Kumar Singh, AOR
Mr. Aditya Pratap Singh, Adv.

M/S. Plr Chambers And Co., AOR
Mr. Sunny Choudhary, AOR
Mr. Vivek Kishore, AOR

Mr. V. N. Raghupathy, AOR
Mr. Varun Varma, Adv.
Mr. Dhanesh Ieshdhan, Adv.

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Mrs. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mr. M. P. Vinod, AOR

Mr. Aravindh S., AOR
Mr. Abbas.b, Adv.

Ms. Surbhi Mehta, AOR
M/S. Arputham Aruna And Co, AOR
Ms. Hemantika Wahi, AOR

Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Ms. Kirti Dadheech, Adv.

Ms. G. Indira, AOR

Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijay Bhaskar Reddy, Adv.
Mr. K V Girish Chowdary, Adv.
Ms. Rajeswari Mukherjee, Adv.
Ms. Niti Richhariya, Adv.

Ms. Jaikriti S. Jadeja, AOR

Mr. Samar Vijay Singh, AOR
Ms. Amrita Verma, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.
Mr. Shaurya Sahay, Adv.

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

- 1 The Motor Vehicles Act 1988 was amended by Act 32 of 2019, *inter alia*, to incorporate the provisions of Section 136A.
- 2 Section 136A has made provisions for the electronic monitoring and enforcement of road safety on national highways, state highways, roads or in

any urban city within a State. Pursuant to the provisions of sub-section (2) of Section 136A, Rules have been framed by the Central Government. The rules have come into force on 11 August 2021.

- 3 The issue now is about ensuring the due enforcement of the provisions of Section 136A by drawing up state specific implementation guidelines. This exercise would have to be conducted in collaboration with the State governments.
- 4 Together with the amendment resulting in the introduction of Section 136A, Sections 215A and 215B were incorporated by the same amending Act 32 of 2019. Section 215A empowers the Central Government and the State Government to delegate their functions. Section 215-B has provides for constitution of the National Road Safety Board which has an advisory capacity. Section 215 contemplates the setting up of Road Safety Councils and Committees at the national, state and district levels.
- 5 Having due regard to the legislative framework, it would be appropriate if Mr Justice A M Sapre, Chairperson of the Committee appointed by this Court convenes a preliminary meeting with the Secretary in the Ministry of Road, Transport and Highways, the Additional Solicitor General and Mr Gaurav Agarwal, Amicus Curiae so that an agreed formulation can be placed before the Court for setting out modalities for implementing the provisions of Section 136A. The modalities shall be chalked out and presented before this Court.
- 6 We request Justice A M Sapre to convene a meeting at his early convenience

preferably within a period of two weeks.

7 The Amicus Curiae may thereafter report back to this Court on the consensus which has emerged during the course of meeting so that the provisions of Section 136A can be enforced across the country having due regard to the requirements and exigencies of each State.

8 List on 6 February 2023.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR