
(2015) 01 SC CK 0006

In the Supreme Court Of India

Case No : SLP(C) No. 25237/2010 and SLP(C) No. 23984/2010, W.P.(C) No. 138/2014

Abhay Singh

APPELLANT

Vs

State of Uttar Pradesh and Others

RESPONDENT

Date of Decision : 19-01-2015

Acts Referred:

Citation : (2015) 3 SCALE 124

Hon'ble Judges : H.L. Dattu, C.J.; R.K. Agrawal, J.; Arjan Kumar Sikri, J.

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. 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.

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

3. 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.

4. 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.

5. 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.

6. 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.