
(2013) 10 SC CK 0097

In the Supreme Court Of India

Case No : Writ Petition (Civil) No. 295 of 2012 with Writ Petition (Civil) No. 235 of 2012

Dr. S. Rajaseekaran

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 21-10-2013

Acts Referred:

Citation : (2014) 1 ACC 3 : (2014) ACJ 526 : AIR 2014 SC 706 : (2014) 1 AKR 658 : (2014) 3 AWC 2245 : (2014) 1 CDR 256 : (2014) 2 JT 201 : (2014) 1 KLJ 777 : (2014) 1 KLT 738 : (2014) 1 MLJ 739 : (2014) 1 RCR(Civil) 443 : (2014) 1 RLW 244 : (2013) 15 SCALE 437

Hon'ble Judges : P. Sathasivam, CJI and Ranjan Gogoi, J.

Bench : Division Bench

Advocate : Mr. Krishna Kumar, AOR, Mr. Vinodh Kanna B. and Ms. Shamridhi Kapur, Advocates, Mr. Gopal Sankarnarayan, Ms. Nishtha Kumar, Mr. Vivek Jain, Ms. Aditi Bhat and Mr. Vikas Mehta, AOR, Advocate, for the Appellant; Mr. Sidharth Luthra, ASG, Ms. Supriya Juneja, Mr. Gurmohan Singh Bedi, Ms. Anandana Handa and Mr. D.S. Mahra, AOR, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, C.J.—Writ Petition (Civil) No. 235 of 2012:

Savelife Foundation - the petitioner in the above-said petition has prayed for framing of appropriate guidelines, in terms of para 10(G) of the writ petition, in respect of "bystanders" and "first responders" who provide assistance to accident/injured victims, in exercise of this Court's power under Articles 32 and 142 of the Constitution of India.

2. Based on the above prayer, this Court, after hearing Ms. Indu Malhotra, learned senior counsel for the petitioner and Mr. Sidharth Luthra, learned ASG for the respondent, by order dated 11.12.2012, constituted an Expert Committee, headed by Justice V.S. Agarwal, former Judge, Delhi High Court as the Chairman and the Secretary or his nominee, Ministry of Road Transport and Highways as

the Nodal Officer. In the said order, this Court also directed the Committee to receive expert advise/consultation from Dr. G. Guru Raj, Collaborating Centre for Injury Prevention and Safety Promotion, National Institute of Mental Health and Neuro Sciences (NIMHANS), Bangalore, if they deem so necessary.

3. Pursuant to the said direction, the Committee submitted its interim report dated 05.03.2013 and prayed for further time in respect of questions posed by this Court at Nos. 1, 7 and 8. In the meanwhile, by letter dated 02.07.2013, addressed to this Court, Justice V.S. Agarwal, conveyed his inability to continue as the Chairman of the Committee due to personal difficulties. In view of the same, we accept the said request.

4. Subsequently, one Dr. S. Rajaseekaran also filed a petition being Writ Petition (C) No. 295 of 2012 praying for appropriate direction(s) to Respondent No. 5-Joint Secretary, Department of Shipping, Road Transport and Highways for creation of safer roads, licencing of drivers and vehicles, enforcement of road safety, treatment of accident victims, provision of due compensation to the victims to be brought under one umbrella. He also prayed for constitution of a core road group for implementation of the various recommendations enumerated in the prayer portion of the said writ petition. This Court, vide order dated 21.08.2013, tagged both the writ petitions.

5. Though we initially noted that Writ Petition (C) No. 295 of 2012 filed by Dr. S. Rajaseekaran can also be referred to the same Committee to ascertain their expert views, on 07.10.2013, when both the writ petitions were posted for hearing, on going through the issues raised, relief sought for and the materials placed, we are of the view that the issues raised in both the writ petitions are relatively different, hence, the relief sought for in the Writ Petition (C) No. 295 of 2012 could be considered individually after hearing all the parties therein. Accordingly, we de-tag Writ Petition (C) No. 295 of 2012.

6. In view of the above conclusion, insofar as Writ Petition (C) No. 235 of 2012 is concerned, in view of the fact that the Committee has already filed an Interim Report dated 05.03.2013 and Mr. Justice V.S. Agarwal has resigned and the Committee has to submit its report only in respect of questions posed by this Court at Nos. 1, 7 and 8, we request the remaining committee members to pursue and submit its report with reference to the above issues for which we extend the time by another 3 (three) months. We also nominate Additional Secretary, Ministry of Home Affairs as Ad-hoc Chairman of the Committee for completion of the report.

7. In the light of the above discussion, we pass the following order:-

(i) De-tag Writ Petition (C) No. 295 of 2012 and list for further hearing on 18.11.2013. In the meanwhile, Union of India is permitted to file reply affidavit highlighting their stand.

(ii) Insofar as Writ Petition (C) No. 235 of 2012 is concerned, the Additional

Secretary, Ministry of Home Affairs is appointed as the Ad-hoc Chairman of the Committee and allowed 3 (three) months" time to submit a Final Report including the questions posed by this Court at Nos. 1, 7 and 8. Put up after 3 (three) months.