

(2014) 09 SC CK 0176

In the Supreme Court Of India

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

Savelife Foundation

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 24-09-2014

Acts Referred:

Citation : (2016) 7 SCC 194 : (2016) 3 SCCri 133

Hon'ble Judges : Ranjan Gogoi and R.K. Agrawal, JJ.

Bench : Division Bench

Advocate : Ms. Indu Malhotra, Senior Advocate, Mr. Vivek Jain, Mr. Kush Chaturvedi and Ms. Nishtha Kumar, Advocates, for the Appellant; Ms. Pinky Anand, ASG, Mr. J.S. Attri, Sr. Advocate, Ms. Sunita Sharma, Mr. S.S. Rawat, Mr. R.K. Rathore, Mr. R.S. Nagar and Mr. D.S. Mahra, Advocates, for the Respondent

Final Decision : Dismissed

Judgement

1. We have heard Ms. Indu Malhotra, learned Senior Counsel appearing for the petitioner and Ms. Pinky Anand, learned Additional Solicitor General appearing for the Union of India.

2. As already observed in the earlier orders in the present proceeding, the Court is required to consider whether it would be appropriate to issue directions under Article 32 of the Constitution of India in relation to protection of "Good Samaritans" pending enactment of such legislation as may be thought fit and proper by the Union Parliament/State Legislatures as may be. All other issues that arise in the writ petition, learned counsels for the parties are agreed, have already been referred to the Court Appointed Committee headed by Mr. Justice K.S. Radhakrishnan, former judge of this Court and, therefore, it is the issue with regard to "Good Samaritans" alone which need to be addressed in the present proceeding. In this regard, we have read and considered the order of reference of this court dated 11th December, 2012; the interim report submitted by Mr. Justice V.S. Agarwal, former judge, Delhi High Court, who was initially the Chairman of the Court Appointed Committee; the order of this Court dated 21st

October, 2013; the report dated 3rd January, 2014 submitted by Shri K. Skandan, Additional Secretary (CS & K) pursuant to the order of the Court dated 21st October, 2013, in particular, the recommendations made at page 29 of the said report in relation to protection of Good Samaritans.

3. Pursuant to the order of the Court, the Ministry of Road Transport & Highways has filed its counter affidavit expressing acceptance of the recommendations dated 3rd January, 2014 referred to above.

4. Ms. Pinky Anand, learned Additional Solicitor General has, however, submitted that she be given another opportunity to obtain necessary instructions, if any, from the Ministry of Law and Justice before the Court formally proceeds to consider the issuance of directions under Article 32 of the Constitution of India.

5. We, accordingly, fix the matter for further consideration on 29th October, 2014.

6. We request the learned Additional Solicitor General to incorporate all such suggestions/instructions that she may receive and considered necessary to be placed before the Court to be so placed in the form of an affidavit of the competent authority to be filed on or before 27th October, 2014.

7. Insofar as the second limb of the earlier order dated 14th August, 2014 is concerned, namely, the progress of the work assigned to the Court Appointed Committee headed by Mr. Justice K.S. Radhakrishnan and the difficulties, if any, faced by the said Committee, we have perused the reports dated 2nd September, 2014 and 23rd September, 2014 submitted by Shri S.D. Banga, Secretary, Committee on Road Safety. A copy of the said reports dated 2nd September, 2014 and 23rd September, 2014 be served to the learned Additional Solicitor General, who after pursuing the same may interact with the officials of the concerned Ministries to sort out the difficulties expressed by the Secretary of the Court Appointed Committee.

8. We are confident that the difficulties expressed in the report of Shri S.D. Banga will receive due consideration of the concerned Authorities and necessary steps will be undertaken to ensure that the Court Appointed Committee is able to perform the task assigned to it by this Court without any inconvenience or difficulty. Report of the action taken by the Union of India in this regard be also placed before the Court on or before 27th October, 2014.

9. List the matter on 29th October, 2014.