
(2006) 06 AHC CK 0001
In the Allahabad High Court

Sudarsha Avasthi

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 23-06-2006

Acts Referred:

Constitution of India, 1950 — Article 21, 226

Contract Act, 1872 — Section 23, 24, 47

Motor Vehicles Act, 1988 — Section 100, 109, 117, 122, 127

Citation : (2007) 1 AWC 736

Hon'ble Judges : J.M. Paliwal, J;Devi Prasad Singh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Devi Prasad Singh, J.—Since, in the present writ petition no factual dispute has been raised by the parties" counsel, hence, with the consent of parties" counsel, we proceed to decide the writ petition finally at admission stage.

2. Feeling aggrieved with the unauthorised use of red or blue lights, hooters and plying of vehicle in the State of U. P. having safety glasses inside window without having any visual transmission of light and using of plaque or board or plates indicating post, office or designation by private and Government bodies, the petitioner a public spirited citizen had approached this Court under extraordinary remedy of Article 226 of the Constitution of India. Attention has been invited by the petitioner that it has become status symbol in the State of U. P. to ply vehicle on road in violation of provisions contained in Motor Vehicle Act, 1988 (in short hereinafter referred as the Act) and the provisions contained in Central Motor Vehicle Rules, 1989 (in short hereinafter referred as the Central Rules) as well as U. P. Motor Vehicle Rules, 1998 (U. P. Rules). According to petitioner"s counsel the antisocial elements, persons involved in organised crime used to move in vehicles having window glass without any visual transmission of light. According to petitioner"s counsel special drives launched by the State Government to stop the vehicle plying on road in violation of the Act or Rules have failed to achieve

its object, and the high and mighty persons are still moving on road abusing the provision of Motor Vehicle Act and Rules framed thereunder.

3. During the pendency of present proceeding a letter petition was received sent by a citizen expressing his pain and anguish to the rise of crime in the State vis-a-vis plying of vehicles by the unsocial elements with unauthorised black window glasses, red lights, hooters and number plates containing designation of the owners. The letter petition also contains certain newspaper reporting. It has been pleaded by the petitioner that recently in the State of U. P. there has been rise of crime and on account of unauthorised use of red and blue beacon lights atop of vehicle with or without flasher reached to a dangerous proportions. Police has failed to stop such vehicle. Since the Rules have been flouted by persons belonging to higher echelon of the society having high political connections, it is necessary that this Court may interfere in public interest.

4. The newspaper report which is the part of present writ petition as well as letter received from a citizen indicates that a vehicle was found plying on road with a big board affixed in front of the vehicle showing the designation of the owner as National Secretary of a political party. The board has been affixed in such a manner that number of plates become invisible. One another newspaper report contains a photograph which indicates that without getting a car registered to the Motor Vehicle Department the owner of the Vehicle was plying the same only by affixing a board indicating thereon the designation or post of a political party. Newspaper report further indicates that beacon red and blue lights and hooters are being used by member of political parties and when they are checked, the officers suffered with great resentment and threat. From the newspaper report as well as the argument advanced by the petitioner's counsel, it borne out that in the State of U. P. vehicles are plying by mighty persons with unauthorised red or blue beacon lights fixing big boards, or plates adjacent for "car and windscreen with glasses without any transmission of light. On account of invisibility no one can see as to who are sitting in the vehicle. During the course of argument the attention was invited of this Court by the Bar that sometimes it has been noticed that the vehicle plying on road with no visual transmission of light possess armed personnel sitting in the vehicle and sometime moving collectively in the group of two or more vehicles. It has been submitted that on account of lack of visual transmission of light in the side window glasses it shall not be possible to police, members of intelligence, local intelligence unit or other persons to take notice as to who are occupying the vehicle. Such vehicles are not used only by law breakers of a section of elite class but also by mafias and criminals involved in kidnapping for ransom in the State of U.P.

5. It has been submitted at Bar that on account of involvement of persons belonging to high connections the police and traffic department have failed to check the plying of such vehicle.

6. The argument advanced by petitioner's counsel and statement made at Bar

seems to have got force. The officers of various departments were summoned by this Court. In response to query made by this Court it has been submitted by Home Secretary and other officers of the police department that on account of absence of effective provision under law they cannot seize the vehicles plying in violation of Act or Rules. When the attention of officers were drawn to various newspaper reporting referred at Bar, they have not denied the same. The proceeding of this Court dated 19.6.2006 as recorded on the order sheet in the presence of officers for convenience is reproduced as under:

Heard learned Counsel for the parties at length.

In pursuance of the order passed by this Court on 16.6.2006, Sri R. N. Srivastava, Secretary Home, Government of U. P., Sri Rameshwar Dayal, Additional Transport Commissioner, Sri Padman Singh, Additional Director General of Police (Law and Order), Sri Brij Lal, Inspector General of Police (Traffic) and Sri Onkar Singh, Superintendent of Police (Traffic), Lucknow, are present in Court.

Sri R. N. Srivastava, Secretary Home has made statement before this Court that on account of absence of any provisions in the Motor Vehicles Act and Rules framed thereunder the State is not in a position to seize the vehicles, which are plying on the road having 100% glass without visibility, hooter, red light, blue light, etc. It has been further submitted by the officer present in the Court that on account of absence of any provisions of law, they cannot stop plying of vehicles on the road running in violation of Motor Vehicles Act and Rules framed thereunder.

This Court has invited attention of the officers present before this Court relating to plying of vehicles without number plates with big boards and plates consisting the names or designation of the persons, office bearers belonging to the various political parties or holding various posts in a Corporation, local bodies, etc. This Court has also invited attention of the officers present before this Court towards the newspapers reports, which noticed that the vehicles are plying on the road with glass having 100% invisibility.

In response to the query made by this Court, it has been submitted that the police department lacks instruments to check the visibility of glass. However, no satisfactory reply could be given by the officer present in the Court relating to the plying of vehicles possessed the glasses having 100% invisibility. No one can see from the outside who are sitting in the Car. This Court takes notice relating to the findings recorded by Pattanaik Committee in compliance of the Court's order passed in Writ Petition No. 5018 (MS) of 2005, which shows that anti-social elements while committing crime move in vehicles with glass having 100% invisibility. It has also been noticed by this Court in the presence of the officers that as per the report of Pattanaik Committee in certain districts crime graph is very high and on account of use of black glasses the criminals get opportunity to flee from the spot. The Mafia or the criminals and anti-social elements cannot be

noticed by the police or the persons serving in the department of intelligence or Local Intelligence Units, Traffic Police or other authorities of the Government. This Court also takes notice of the newspapers, which has not been denied by the officers present in the Court that a Deputy Superintendent of Police, Lucknow, was put on the bonnet of the jeep for 20 minutes and was dropped in the premises of Senior Superintendent of Police, Lucknow. The act was done by the criminals in broad day light having a jeep with beacon red light with no retaliation by the police.

On account of use of black invisible glasses the movement of criminals and anti-social elements in the State has become easier and according to the report of Pattanaik Committee in some districts the incident of kidnapping is very high. Number plates have been shadowed by fixing big boards or plates in front of vehicles. Even in some cases, it has been noticed that the vehicles are being used displaying the post, office or designation of the owner instead of registration number. This is very sorry state of affair. Such incident shakes the people's faith not only in the Government but also in the administration of justice.

No one is above the law. It is duty of every person whosoever may be to follow the provisions of law. Since the factual dispute as reported in the newspapers has not been denied by the officers who are present in the Court, hence it shall be appropriate that appropriate guidelines may be issued to check the vehicles plying on road against the provisions of law.

It has also been submitted by the Home Secretary, who is present in the Court that adequate force shall be provided to check the vehicles plying on road in violation of law.

The personal appearance of the officers, who are present in the Court is exempted till further orders of this Court.

The order is reserved for Friday, i.e., 23.6.2006.

7. During the course of hearing the officers were confronted with a report submitted by Shri G. B. Pattanaik, Principal Secretary of the Government in a Writ Petition No. 5018 (MS) of 2005 alongwith the report a letter written by I.G. Crime which indicates that in the year 2005 in the State of U. P. 2,547 cases of kidnapping were registered in the police stations. There may be unreported cases also. Approximately 6.97 persons are kidnapped everyday in the State of U. P. It has been noticed by Pattanaik Committee that mafias or armed personnel moved collectively in a motor vehicle with spurious mind create fear in the mind of public. In some of the districts of State of U. P. the rate of kidnapping is very high as evident from the report submitted by the I.G. (Crime) vide his letter dated 27.3.2006, which is the part of the report of Pattanaik Committee, summoned and is on record.

8. Shri H. S. Jain, learned Counsel for the petitioner had invited attention of this

Court towards Rules 50, 51, 108, 105, 106, 107, 111 and 163 of the Rules relating to display of number plates, use of red and blue lights, deflection of lights, top lights, sound signals. Attention of this Court has also been invited towards the question relating to parking or charging of parking fees, keeping in view the provision contained in Sections 117, 122 and 127 of the Act, 1988 and Rules 180 and 195 of U. P. Rules. Learned Counsel for the petitioner had relied upon the judgment of Apex Court in Rakesh Wadhawan and Others Vs. Jagdamba Industrial Corporation and Others, , and submitted that Court can issue appropriate direction or order on the subject in question to fill up the vacuum till suitable law is enacted by the Legislatures. Petitioner's counsel relied upon paras 19 and 20 of the said Judgment (supra).

9. Accordingly before considering other aspect of the matter it shall be appropriate that relevant provision contained in the Act and Rule should be considered in brief. Section 39 of the Act provides that no person shall drive any motor vehicle without the certificate of registration. It has been further provided that the registration marks shall be displayed in the manner prescribed by the Act and Rules. For convenience Section 39 of the Act is reproduced as under:

39. Necessity for registration. -No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner:

Corresponding Law : Section 22 (1) of Act IV of 1939.

Provided that nothing in this Section shall apply to a motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government.

10. Section 43 relates to temporary registration of vehicle. Section 47 relates to assignment of new registration mark or removal of vehicle to other State. Section 49 command the owner of vehicle to inform competent authority relating to the change of residence. Section 50 deals with the transfer of ownership of vehicle. Section 52 provides that no alteration in the vehicle shall be done without prior permission of the competent authority of transport department.

11. Section 53 empowers the competent authority of the transport department to suspend the registration of a vehicle in case it is used in public place which constitute a danger to public or it fails to comply with requirement of Act and Rule made thereunder. For convenience Section 53 is reproduced as under:

53. Suspension of registration. - (1) If any registering authority or other prescribed authority has reason to believe that any motor vehicle within its Jurisdiction:

(a) is in such a condition that its use in a public place would constitute a danger

to the public, or that it fails to comply with the requirements of this Act or of the rules made thereunder, or

(b) has been, or is being, used for hire or reward without a valid permit for being used as such, the authority may, after giving the owner an opportunity of making any representation he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), for reasons to be recorded in writing, suspend the certificate of registration of the vehicle:

(i) in any case falling under Clause (a), until the defects are rectified to its satisfaction and

(ii) in any case falling under Clause (b), for a period not exceeding four months.

(2) An authority other than a registering authority shall, when making a suspension order under Sub-section (1), intimate in writing the fact of such suspension and the reasons therefore to the registering authority within whose jurisdiction the vehicle is at the time of the suspension.

(3) Where the registration of a motor vehicle has been suspended under Sub-section (1) for a continuous period of not less than one month, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension.

(4) The owner of a motor vehicle shall, on the demand of a registering authority or other prescribed authority which has suspended the certificate of registration of the vehicle under this section, surrender the certificate of registration.

(5) A certificate of registration surrendered under Sub-section (4) shall be returned to the owner when the order suspending registration has been rescinded and not before.

Corresponding Law : Section 33 of Act IV of 1939.

12. u/s 54 the registration of the vehicle may be cancelled which has been suspended u/s 53. For convenience Section 54 is reproduced as under:

54. Cancellation of registration suspended u/s 53.-Where the suspension of registration of a vehicle u/s 53 has continued without interruption for a period not less than six months, the registering authority within whose Jurisdiction the vehicle was when the registration was suspended, may, if it is the original registering authority, cancel the registration, and if it is not the original registering authority, shall forward the certificate of registration to that authority which may cancel the registration.

13. Section 55 of the Act deals with the procedure for cancellation of registration of a vehicle in certain circumstances.

For convenience Section 55 is reproduced as under:

55. Cancellation of registration.-(1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, within fourteen days or as soon as may be, report the fact to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward to that authority the certificate of registration of the vehicle.

(2) The registering authority shall, if it is the original registering authority, cancel the registration and the certificate of registration, if it is not, shall forward the report and the certificate of registration to the original registering authority and that authority shall cancel the registration.

(3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as the State Government may by order appoint and, if, upon such examination and after giving the owner an opportunity to make any representation he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), it is satisfied that the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may cancel the registration.

(4) If a registering authority is satisfied that a motor vehicle has been permanently removed out of India, the registering authority shall cancel the registration.

(5) If a registering authority is satisfied that the registration of a motor vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular, or the engine number or the Chassis number embossed thereon are different from such number entered in the certificate of registration, the registering authority shall after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), and for reasons to be recorded in writing, cancel the registration.

(6) A registering authority cancelling the registration of a motor vehicle u/s 54 or under this section shall communicate such fact in writing to the owner of the vehicle, and the owner of the vehicle shall forthwith surrender to that authority the certificate of registration of the vehicle.

(7) A registering authority making an order of cancellation u/s 54 or under this section shall, if it is the original registering authority, cancel the certificate of registration and the entry relating to the vehicle in its records, and, if it is not the original registering authority, forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

(8) The expression "original registering authority" in this Section and in Sections 41, 49, 50, 51, 52, 53 and 54 means the registering authority in whose records the registration of the vehicle is recorded.

(9) In this section, "certificate of registration" includes a certificate of registration renewed under the provisions of this Act.

Corresponding Law : Section 34 of Act IV of 1939

14. A plain reading of Section 55 reveals that in case registration of a vehicle is cancelled u/s 54 the owner of the Vehicle shall surrender the certificate of registration immediately to the registering authority.

15. u/s 57 appeal lies against an order passed by the registering authority u/s 53 by which a registration is suspended. Section 63 commands the State to maintain a registration of Motor vehicle.

16. Section 117 of the Motor Vehicle Act commands the State Government to allocate parking places and halting stations. Section 109 deals with the construction and maintenance of the vehicle.

17. Sections 177, 191, 192, 195, 201, 202, 206 and 207 contain provisions to punish a motor vehicle owner in certain circumstances. Section 206 empowers the competent authority to impound the document.

18. Rule 42 of the Central Rules provides that no vehicle shall be delivered by dealers without its registration and Rule 42 and Rule 50 deals with the form and manner of discipline of registration mark and size of plate. Rule 51 deals with the size of letters. For convenience Rule 42 and Rule 50 are reproduced as under:

42. Delivery of vehicle subject to registration.-No holder of a trade certificate shall deliver a motor vehicle to a purchaser without registration, whether temporary or permanent.

50. Form and manner of display of registration marks on the motor vehicles.-(1) On or after commencement of this rule, the registration mark referred to in Sub-section (6) of Section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security licence plate of the following specifications, namely:

(i) the plate shall be a solid unit made of 1.0 mm. aluminium conforming to DIN 1745/DIN 1783 or ISO 7591. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approx. 10 mm. and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The last colouring of legend and border to be done by hot stamping;

(ii) the plate should bear the letters "IND" in blue colour on the extreme left centre of the place. The letter should be one fourth of the size of letters mentioned in Rule 51 and should be buried into the foil or applied by hot

stamping and should be integral part of the plate ;

(iii) each plate shall be protected against counterfeiting by applying chromium based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a permanent consecutive identification number of minimum seven digits, to be laser branded into the reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self destructive type, chromium based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authorities/ approved dealers of the licence plates manufacturer alongwith the regular registration marks, and thereafter if such sticker is destroyed it shall be issued by the licence plate manufacturer or his dealer;

(v) the plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle at the premises of the registering authority;

The licence plates with all the above specifications and the specified registrations for a vehicle shall be issued by the registering authority or approved the licence plates manufacturers or their dealers. The Central Road Research Institute, New Delhi or any of the agency authorized by the Central Government shall approve the licence plates manufacturers to the above specification;

(vi) the size of the plate for different categories of vehicles shall be as follows:

For two and three wheelers-200 x 100 mm.

For light motor vehicles/ passenger cars-340 x 200 mm./ 500 x 120 mm.

For medium commercial vehicles, heavy commercial vehicles and trailer/ combination-340 x 200 mm.:

Provided that this sub-rule shall apply to already registered vehicles two years from the date of commencement.

(2) In the case of motorcycles the registration mark in the front shall be displayed parallel to the handle bar or on any part of the vehicle including mudguard facing the front instead of, on a plate in line with the axis of the vehicle:

Provided that:

(a) the registration mark exhibited at the rear of a transport vehicle shall be affixed to the vehicle on the right-hand side at a distance not exceeding one meter from the ground as may be reasonably possible having regard to the type of the vehicle.

(b) The registration mark shall also be painted on the right and left side on the

body of the vehicle in the case of a transport vehicle;

(c) The registration mark shall also be painted and exhibit on the partition provided between the driver and the passengers, facing the passengers' seats or, where there is no such partition, on the front interior of the vehicle near the roof to the left side of the driver's seat facing the passengers' seats in the case of a stage-carriage or a contract-carriage and in the case of a motor cab or a taxicab it shall be sufficient if the registration mark is painted on the dashboard;

(d) The letters of the registration mark shall be in English and the figures shall be in Arabic numerals and shall be shown:

(i) In the case of transport vehicles in Black colour on Yellow background; and

(ii) In other cases, in Black colour on white background,

the registration mark on the trailer shall be exhibited on the left hand side in Black colour on yellow background. In addition, the registration mark on the drawing vehicle shall be exhibited on the trailer also and this shall be done on the right hand side at the rear of the trailer or the last trailer as the case may be, in black colour on retro-reflective type yellow background:

Provided that where provisions of this clause have not been complied with in respect of motor vehicle, on or before the commencement of the Central Motor Vehicle (8th Amendment) Rules, 2001, then the provisions shall be complied with:

(i) in respect of transport vehicle, on or before 1.2.2002 ; and

(ii) in other case, on or before 1.7.2002.

(3) The registration mark shall be exhibited in two lines, the State Code and registering authority Code forming the first line and the rest forming the second line, one below the other:

Provided that the registration mark in the front may be exhibited in one line:

Provided further that in models of vehicles having no sufficient provision at the rear to exhibit the registration mark in two lines, it shall be sufficient if in such vehicles registration mark is exhibited in a single line:

Provided further that registration mark on a light motor vehicle may be in the centre with illumination.

(4) Every motor vehicle, except motor cab and motor car, manufactured on and from the date of commencement of the Central Motor Vehicles [Amendment] Rules, 1993, shall be provided with sufficient space in the rear for display of registration mark in two lines.

(5) in case of agricultural tractors, the registration mark need not be inclined to the vertical by more than 30 degrees.

(6) The registration mark of the drawing agricultural tractor may not be exhibited on the agricultural trailer or trailers.

19. Rule 92 of the Central Rule prohibits the plying of vehicle without complying the provision of Chapter V.

For convenience Rule 92 is reproduced as under:

92. General.-(1) No person shall use or cause or allow to be used in any public place any motor vehicle which does not comply with the provisions of this Chapter.

Provided that nothing contained in this rule shall apply to vehicles manufactured prior to the coming into force of the Central Motor Vehicles (Amendment) Rules, 1993.

(2) Nothing in this rule shall apply to a motor vehicle:

(a) Which has been damaged in an accident or to a vehicle stopped or impeded owing to shortage of fuel or other temporary defects while at the place at which the accident or defects occurred;

(b) Which is defective or damaged and is being removed to the nearest place of repair or disposal; or

(c) Which is more than fifty years old from the date of its registration and is being driven for taking part in a vintage car rally:

Provided that where a motor vehicle can no longer remain under the effective control of the person driving, the same shall not be used in a public place except by towing.

20. Sub-rule (1) and sub-rule (2) of Rule 100 provides that no motor vehicle shall use windscreen having safety glasses with visual transmission of light to the extent of less than 70 per cent. The Rule further provides that the window glass should also have visual transmission of light not less than 50 per cent. For convenience sub-rule (1) and Rule 2 of Rule 100 are reproduced as under:

Sub-rule (1) of Rule 100.- The glass of windscreens and the windows of every motor vehicle (other than agricultural tractors) shall be of safety glass:

Provided that in the case of three-wheelers and vehicles with hood and side covers, the windows may be of (acrylic or plastic transparent sheet).

Sub-rule (2) of Rule 100-The glass of the windscreen and rear window of every motor vehicle shall be such and shall be maintained in such a condition that the visual transmission of light is not less than 70 per cent. The glasses used for side window are such and shall be maintained in such condition that the visual transmission of light is not less than 50 per cent, and shall conform to Indian standards. (Section 2553-Part 2 : 199263];

21. Chapter V of the Central Rules deals with the various aspect of Motor Vehicle like windscreen wiper, lamps and all other features which are necessary to be maintained for plying of vehicle. It is not necessary to consider each and every provision since they are not subject-matter of dispute under present writ petition.

22. Rule 108 provides that who shall be entitled to use red, white or blue light. It further provides that the use of red or blue beacon light with or without flasher shall be determined by the State by way of notification. Rule 111 prohibits the use of spotlight. For convenience Rule 111 is reproduced as under:

111. Prohibition of spotlights, etc.-No spotlight or searchlight shall be carried on the front of any vehicle except in exceptional circumstances with the prior approval of the registering authority.

23. Rule 119 relates to use of horn in motor vehicle. For convenience Rule 119 is reproduced as under:

Horns.-(1) (On and after expiry of one year from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1999, every motor vehicle (including a construction equipment vehicle) manufactured shall be fitted with an electric horn or other devices conforming to the requirement of IS : 1884-1992, specified by the Bureau of Indian Standards) for use by the driver of the vehicle and capable of giving audible and sufficient warning of the approach or position of the vehicle.

Provided that on and from 1.1.2003, the horn installation requirements shall be as per AIS-014/2001 specifications, as may be amended from time to time, till such time as corresponding Bureau of Indian Standards specifications are-notified.

(2) No motor vehicle shall be fitted with any multitoned horn giving a succession of different notes or with any other sound producing device giving an unduly harsh, shrill, loud or alarming noise.

(3) Nothing contained in sub-rule (2) shall prevent the use on vehicles used by police officers (or operators of construction equipment vehicles) or officers of Motor Vehicles Department in the course of their duties (or construction equipment vehicle) of such sound signals as may be approved by the registering authority in whose jurisdiction such vehicles are kept.

24. The various provision contained in Chapter V of the Motor Vehicles Act providing standard are mandatory and necessary for plying of vehicle. As provided under Rule 92 no vehicle can ply on road unless the provision contained in Chapter V of the Central Rule has been complied with in letter and spirit.

25. According to circular dated 31.5.2005 issued by the Director General of Police provided by learned chief standing counsel it has been clarified that who shall be entitled to use red or blue lights with or without flasher, hooters, siren, etc.

For convenience relevant portion from the circular dated 31.5.2005 is reproduced

as under:

26. The aforementioned circulars have been issued by the Director General of Police in compliance of notification issued by the State in pursuance to power conferred by Motor Vehicle Act from time to time including circulars dated 7.3.2003 and 1.3.2000. The circular issued by the State Government regulating the use of red, blue or white beacon light atop of the vehicle and hooters, etc. have got statutory force and binding effect.

The provision contained in the Section 100 of the Motor Vehicle Act relating to the use of safety glasses indicating the visual transmission of light as well as displaying of registration mark in a particular manner horns etc have got mandatory force.

As evident from Rule 92 no vehicle can ply on the road in case the provision contained in Chapter V of the Central Rules have not been complied with.

Under Section 53 the competent authority has got right to suspend the registration of a vehicle in case a motor vehicle fails to comply with requirement of Act or rules framed thereunder. Though for the offences in question drawn the attention of this Court under the present writ petition prima facie, does not seem to empower the authority to seize a vehicle but a combined reading of provision contained in Section 53 of the Act read with Rule 92 of the Central Rule reflects that authorities have got ample power to stop a vehicle from plying on road in case the provisions contained in Chapter V of the Rules have not been followed. Keeping in view the high rate of offence relating to kidnapping in the State of U. P. and use of vehicle by the kidnappers and unsocial elements with window safety glasses lacking visual transmission, the provision contained in Motor Vehicle Act and rules framed thereunder has become obsolete. Though the punishment is meager but the breach of these relevant rules referred hereinabove adversely impact the society tremendously. This fact has not been denied by the officers who had been summoned by this Court.

27. In a democratic country like ours there is no person above the law. Everyone have to comply with the legal provisions in its letter and spirit. Whosoever may be, have got no right to breach the law. The movement of vehicle on road without complying with the provision of Act and Rules referred hereinabove shakes the people's faith not only in the Government but also in the administration of justice. It gives a wrong message to the society that in a democratic country like ours some persons have got right or privilege to live in a manner which they likes without giving a little respect to the Act or Rules framed by the State or Central Legislatures.

28. There may be a situation when an ordinary person on account of ignorance of law may fail to follow the provisions of law but when the statutory provisions are violated by the persons who had Joined the politics to serve the people of the country or the persons who belongs to higher echelon of the society then things become more worst. Whether it is the member of all the three wings of the

Government or common citizen or persons of high connections all have to abide by the provisions of law. Otherwise it shall be great setback to the democracy and shall result into a situation of anarchy.

29. Right to live with dignity and right to quality of life are fundamental right guaranteed under Article 21 of the Constitution of India (vide, *Air India Statutory Corporation, etc. Vs. United Labour Union and others* [overruled],). Right to live a dignified life includes a dignified scenario in the society. Any action or incident committed by certain persons in violation of Act, Rules or Statute with intention to show their power or rights creates a sensation in, public and also gives impression that a section of society is exempted from following the law.

30. Hon"ble Supreme Court in a case in *People's Union for Civil Liberties Vs. Union of India (UOI)* and Another, , held that the citizens of this country are at central stage and State is highly accountable for the breach of law effecting the citizens right to live peacefully in a dignified manner.

For convenience relevant portion from the judgment of *Union of India* (supra) is reproduced as under:

India is a party to the aforesaid covenants. The Indian Constitution guarantees essential human rights in the form of fundamental rights under Part III and also Directive Principles of State Policy in Part IV which are fundamental in the governance of the country. Freedoms granted under Part III have been liberally construed by various pronouncements of this Court in the last half a century in favour of the subjects also, keeping in view the International Covenants. The object has been to place citizens at a central stage and State being highly accountable.

31. In a case in *Rakesh Wadhawan and Others Vs. Jagdamba Industrial Corporation and Others*, , it has been held by Apex Court that State can never be exhaustive and in appropriate case this Court has got power by extraordinary inherent jurisdiction to lay down norms and guidelines till the State legislate the law to meet out the requirement.

For convenience relevant portion from the judgment of *Rakesh Wadhawan* (supra) is reproduced as under:

A statute can never be exhaustive, and therefore, Raghubar Dayal, J., speaking for himself and Wanchoo and Das Gupta, JJ. observed in *Manohar Lal Chopra v. Rai Bahadur Rao Raja Seth Hiralal* AIR 532 SC 18 that the Legislature is incapable of contemplating all the possible circumstances which may arise in future litigation and consequently for providing the procedure for them". Sometimes when a difficult situation arises it may demand such directions being made as would pragmatically meet the needs of the situation and resort can be had to the inherent powers of the Court, if need be. Krishna Iyer, J., in *Newabganj Sugar Mills Co. Ltd. v. Union of India* held fat SCC 123, para 6) "the difficulty we face here cannot force us to abandon the inherent powers of the

Court to do" and he quoted Jim R. Carrigan to say : "The Inherent power has its roots in necessity and its breadth is coextensive with the necessity." H. R. Khanna, J. observed in Jaipur Mineral Development Syndicate v. C.I.T. SCC 511 5".

"The Courts have power, in the absence of any express or implied prohibition, to pass an order as may be necessary for the ends of justice or to prevent the abuse of the process of the Court. To hold otherwise would result in quite a number of cases in gross miscarriage of justice."

Jurisdiction to pass procedural orders though not specifically contemplated by statute can be spelled out from what was said by Hidayatullah, J. (as he then was) in Mahanth Ram Das v. Ganga Das when orders are "in essence in terrorem, so that dilatory litigants might put themselves in order and avoid delay" the Courts are not powerless to meet a situation for "such orders are not like the law of the Medes and the Persians" (AIR 883, para 5).

32. In the case of Union of India (supra) relied upon by the petitioner's counsel the Apex Court ruled that though it is for the Parliament or the Legislature to enact the Act or Rules or amend the law but the Courts may issue necessary direction or order to fill up the vacuum till substantive law is enacted.

For convenience relevant portion from the judgment of Union of India (supra) is reproduced as under:

However, it is equally settled that in case when the Act or Rules are silent on a particular subject and the authority implementing the same has constitutional or statutory power to implement it, the Court can necessarily issue directions or orders on the said subject to fill the vacuum or void till the suitable law is enacted.

33. The combined reading of Section 53 read with Rule 92 of the Central Rules reveals that the purpose of Act is to prevent the plying of vehicle on road which does not comply with the provision contained in Chapter V of the Central Rules. Accordingly, no vehicle can ply on road in case they does not comply with the provisions contained in Chapter V of the Central Rules. In case, such vehicles are found on the road without complying with the provision contained in Chapter V of the Central Rules then registration of such vehicle can be suspended by the competent authority in pursuance to power conferred by Section 53 of the Central Act with follow up action.

34. While interpreting the various provisions contained in Central Act and Rules framed thereunder, the principle of purposive construction may be applied. The rule of purposive construction which is also called a mischief rule enables the Court to give full effect to the statutory provisions keeping in view the purpose of act or rules for which it was framed. In a case in The Bengal Immunity Company Limited Vs. The State of Bihar and Others, . Hon''ble Supreme Court held as under:

It is a sound rule of construction of a statute firmly established in England as far back as 1584 when "Heydons's case", (1584) 3 Co Rep 7a (V), was decided that:

"...for the sure and true interpretation of all statutes in general (be they penal or beneficial, restrictive or enlarging of the common law) four things are to be discerned and considered:

1st What was the common law before the making of the Act,

2nd What was the mischief and defect for which the common law did not provide,

3rd What remedy the Parliament has resolved and appointed to cure the disease of the Commonwealth, and

4th The true reason of the remedy and then the office of all the Judges I always to make such construction as shall suppress the mischief, and advance the remedy, and to suppress subtle inventions and evasions for continuance of the mischief, and "pro privato commodo", and to add force and life to the cure and remedy, according to the true intent of the makers of the Act, "pro bono publico".

35. Hon"ble Supreme Court in a case in D. Saibaba Vs. Bar Council of India and Another, . while laying down the principle for interpretation in the event of uncertainty in a provision held as under:

18. Reading word for word and assigning a literal meaning to Section 48AA would lead to absurdity, futility and to such consequences as Parliament could have never intended. The provision has an ambiguity and is capable of being read in more ways than one. We must, therefore...assign the provision a meaning-and so read it-as would give if to an otherwise lifeless letter and enable the power of review conferred thereby being meaningfully availed and effectively exercised.

36. Hon"ble Supreme Court in one other case in Dipak Chandra Ruhidas v. Chandan Kumar Sarkar (2003) 7 SCC, laid down the principle statutory interpretation of a provision as follows:

8. Explanation as is well known has various functions. This Court in S. Sundaram Pillai v. V. R. Pattabiraman stated : (SCC 611 46).

46. We have now to consider as to what is the impact of the explanation on the proviso which deals with the question of wilful default. Before, however, we embark on an enquiry into this difficult and delicate question, we must appreciate the intent, purpose and legal effect of an explanation. It is now well-settled that an explanation added to a statutory provision is not a substantive provision in any sense of the term but as the plain meaning of the word itself shows it is merely meant to explain or clarify certain ambiguities which may have crept in the statutory provision."

9. Referring to various case-laws and treatises on interpretation of statutes, it was held : (53 SCC 613) by Apex Court as under:

53. Thus, from a conspectus of the authorities referred to above, it is manifest

that the object of an Explanation to a statutory provision is:

to explain the meaning and intendment of the Act itself,

where there is any obscurity or vagueness in the main enactment, to clarify the same so as to make it consistent with the dominant object which it seems to subserve,

to provide an additional support to the dominant object of the Act in order to make it meaningful and purposeful,

an Explanation cannot in any way interfere with or change the enactment or any part thereof but where some gap is left which is relevant for the purpose of the Explanation, in order to suppress the mischief and advance the object for the Act it can help or assist the Court in interpreting the true purport and intendment of the enactment, and

it cannot, however, take away a statutory right with which any person under a statute has been clothed or set at naught the working of an Act by becoming an hindrance in the interpretation of the same.

37. Hon"ble Supreme Court in another case in *Kehar Singh and Others Vs. State (Delhi Administration)*, , while approving the applicability of purposive construction held as under:

231. During the last several years, the "golden rule" has been given a go-by. We now look of the "intention" of the Legislature or the "purpose" of the statute. First, we examine the words of the statute. If the words are precise and cover the situation in hand, we do not go further. We expound those words in the natural and ordinary sense of the words. But, if the words are ambiguous, uncertain or any doubt arises as to the terms employed, we deem it as our paramount duty to put upon the language of the Legislature rational meaning. We then examine every word, every section and every provision. We examine the Act as a whole. We examine the necessity which gave rise to the Act. We look at the mischiefs which the Legislature intended to redress. We look at the whole situation and not just one to one relation. We will not consider any proviso out of the framework of the statute. We will not view the provisions as abstract principles separated from the motive force behind. We will consider the provisions in the circumstances to which they owe their origin. We will consider the provisions to ensure coherence and consistency within the law as a whole and to avoid undesirable consequences.

38. In another case in *Punjab Land Development and Reclamation Corporation Ltd., Chandigarh Vs. Presiding Officer, Labour Court, Chandigarh and Others*, , the Apex Court held : (79 SCC 720):

79. The Court has to interpret a statute and apply it to the facts. Hans Kelsen in his *Pure Theory of Law* (p. 355) makes a distinction between interpretation by the science of law or Jurisprudence on the one hand and interpretation by a law-

applying organ (especially the Court) on the other. According to him Jurisprudentially interpretation is purely cognitive ascertainment of the meaning of legal norms. In contradistinction to the interpretation by legal organs, Jurisprudential interpretation does not create law." "The purely cognitive interpretation by Jurisprudence is therefore unable to fill alleged gaps in the law. The filling of a so-called gap in the law is a law-creating function that can only be performed by a law-applying organ; and the function of creating law is not performed by jurisprudence interpreting law. Jurisprudential interpretation can do no more than exhibit all possible meanings of a legal norm. Jurisprudence as cognition of law cannot decide between the possibilities exhibited by it, but must leave the decision to the legal organ who, according to the legal order, is authorised to apply the law." According to the author if law is to be applied by a legal organ, he must determine the meaning of the norms to be applied : he must "interpret" those norms (p. 348). Interpretation therefore is an intellectual activity which accompanies the process of law application in its advance from a higher level to a lower level. According to him, the law to be applied is a frame. "There are cases of intended or unintended indefiniteness at the lower level and several possibilities are open to the application of law." The traditional theory believes that the statute, applied to a concrete case, can always supply only one correct decision and that the positive-legal "correctness" of this, decision is based on the statute itself. This theory describes the interpretative procedure as if it consisted merely in an intellectual act of clarifying or understanding; as if the law applying organ had to use only his reason but not his will, and as if by a purely intellectual activity, among the various existing possibilities only one correct choice could be made in accordance with positive law. According to the author : "The legal act applying a legal norm may be performed in such a way that it conforms (a) with the one or the other of the different meanings of the legal norm; (b) with the will of the norm-creating authority that is to be determined somehow; (c) with the expression which the norm creating authority has chosen : (d) with the one or the other of the contradictory norms, or; (e) the concrete case to which the two contradictory norms refer may be decided under the assumption that the two contradictory norms annul each other. In all these cases, the law to be applied constitutes only a frame within which several applications are possible, whereby every act is legal that stays within the frame.

39. The Supreme Court in two other cases in *United India Insurance Co. Ltd. Vs. Bhushan Sachdeva and Others*, and *Govt. of Andhra Pradesh and Others and The General Manager, District Co-operative Central Bank Ltd. Vs. P. Venku Reddy*, , had approved the applicability of the principle of purposive construction of a statute to give effect the provision of law in a Welfare State like our country.

40. In a recent judgment rendered by the Constitution Bench of Hon"ble Supreme Court in a case in *Pratap Singh Vs. State of Jharkhand and Another*, , their Lordship had proceeded to apply purposive construction while interpreting the provision of Juvenile Justice (Care and Protection of Children) Act, 2000 (para 95).

41. There is one more reason why this Court should issue appropriate guidelines to check the misuse of provision contained in Central Act or Rules framed thereunder, in view of report which has been not denied by the officer who were present in Court. A jeep with red light at top and with the flag of a political party, when stopped by a Deputy Superintendent of Police, during day hours in a dare devil way, compelled the police officer to hang over the bonnet of the jeep for about 20 minutes and dumped in the Bungalow of Senior Superintendent of Police, Lucknow, without any retaliation.

Relevant portion of the news item to have a glimpse as published in the Hindustan Times dated 31.5.2006 is reproduced as under:

In an incident that sent shock waves in the city, five identically dressed youths drove a precariously perched C.O. Chowk Rajesh Sahni on the bonnet of their Jeep with a ruling party flag in place straight into the S.S.P. office on Sapru Marg on Tuesday evening.

They covered the distance, two kilometers to be precise, from Qaiserbagh to the S.S.P. Office (Where they finally dumped the CO.) just like that, sending onlookers in a state of daze, wondering what on earth was happening to the struggling cop.

The C.O's. only fault was that he dared to object to the jeep occupants using red beacon and hooters and then asking for the papers of the vehicle.

Significantly, S.S.P. G. K. Goswami instead of dealing sternly with the goons, who claimed themselves to be the grandsons of Ram Manohar Lohia raised objection to medial persons demanding action against the ferocious five.

42. The Deputy Superintendent of Police had confirmed the aforementioned incident in his statement published in the newspaper "Times of India" dated 1.6.2006 (publication from Lucknow) to quote relevant, portion from the news item:

For starters, Sahani says : "It was some four-kilometer-long run that must have been completed in not more than 15 to 20 minutes. But to me it was a seemingly endless nightmare." He does not forget to point out that he lived every single moment for it. "Nevertheless, I won't prefer to relive it ever again," he said laughingly.

"After intercepting the jeep, the moment I asked them why had they installed a red beacon on their Jeep, I could read their reaction. They appeared a hard nut to crack," Sahani says recapturing the nightmarish experience framed by frame.

"But before I could make my next move, I heard the jeep engine roar full throttle. In a reflex action, I jumped on the bonnet and grabbed a steel rod fixed right below the windscreen" he said.

43. Undoubtedly, under the provisions contained in the Central Act, Central Rules or State Rules, the offenders who breach the provisions suffer only with meager

punishment and that is why the provision contained in the Act, Central Rules or U. P. Rules have been violated not only by the persons holding high post or office or high connections but also by criminals, mafia and antisocial elements. The use of blind glasses lacking, visual transmission of light protect the antisocial elements, kidnappers and criminals to save them from the eyes of police while moving on road. Traffic Police, persons belonging to police department, intelligence or local intelligence units or other authorities will have no chance to take notice relating to the identity of persons moving in such vehicles.

44. There is one more reason on account of which using of plaque, board or plates in front of the vehicle is not permissible under law. Conditions and standards provided under Chapter V as well as in other provisions in the Central Rules or U. P. Rules as well as in the Act have been incorporated on the basis of opinion of the experts of the field. Once the Act, statute or Rule provides to do certain thing in certain manner then that should be done in the same manner and not otherwise, as it is the settled proposition of law vide : The Barium Chemicals Ltd. and Another Vs. The Company Law Board and Others, ; Chandra Kishore Jha Vs. Mahavir Prasad and Others, ; Delhi Administration Vs. Gurdip Singh Uban and Others, ; Dhanajay Reddy v. State of Karnataka AIR 2001 SC 1512 : Commissioner of Income Tax, Mumbai Vs. Anjum M.H. Ghaswala and Others, ; Ram Phal Kundu Vs. Kamal Sharma, . Accordingly whether it is a private vehicle or the Government vehicle, using of plaque, boards or plates are not permissible under law.

45. There may be situation when Central Government or State Government may feel that some marks of identification, may be placed in the vehicle belonging to Government then that may be done without affixing any plaque, plate, Board in front of the vehicle. However, in any case Government wants to display the mark of identification in the front of State vehicles by affixing a plate then that can be done only by amending the rules. However, while doing so it should be kept in mind that prominence of registration mark/ number plate should not be shadowed down. In any case, the size of the plate or plaque if Government wants to provide to affix in the front of the State vehicle by amending the rules then the size should not be more than 50 per cent (length and breadth) provided by the Rule 50 of the Central Rules to avoid any chance to notice the registration number by the citizens or authorities. The placement of such plaque or board may be provided by amending the rule with the condition that it shall be fixed at a reasonable distance from the number plate.

Any Contract for sale of red or blue lights, hooters or pasting of films, contrary to the provisions contained in the Central Rules, Act or State Rules, is supposed to be against public policy and may be considered as immoral keeping in view the present scenario in the society, in pursuance to Section 23 of the Contract Act. Any consideration for any unlawful purposes shall also be void in view of Section 24 of the Contract Act. Section 47 of the Contract Act further provides that there cannot be promise to do an illegal thing. Keeping in view the letter and spirit of

provisions contained in Contract Act the shopkeepers or dealers of the State have got no right to enter into agreement for the sale of red or blue beacon lights, hooters to unauthorised persons or sale the same straightway to the unauthorised customers from their shops. Similarly the pasting of films reducing the transmission of light in violation of the Rules in the vehicle of owner shall also be an unlawful Act.

It has been brought into our notice that sometimes members of subordinate Judiciary are using red light, white lights, plates or plaques, etc. in violation of Government notification. In case, it is so, then it shall be appropriate that the extract of the present Judgment may be circulated by the Registrar General to the members of subordinate judiciary, District Judges of the State of U. P. who in turn shall inform the other members of judiciary of the respective districts for compliance of law as observed in the present judgment.

46. There should not be any "wrong" without effective remedy. From the facts and circumstance of the case, the provision of law discussed hereinabove, it is necessary to issue appropriate following guidelines for compliance by the State Government while dealing with the vehicles plying on road in the State of U. P. till the State Legislature or Parliament legislates law providing some severe punishment to the offenders and to meet out the necessity of time:

(1) The State authorities are directed to stop all vehicles plying on road in the State of U. P., keeping in view the provisions contained in Rule 92 of the Central Rules. The vehicle should be detained at appropriate place for such period till the owner of the vehicle does not remove the defect in compliance of Central Rules or U. P. Rules.

Option should be given to the vehicle owner to remove said defect immediately (on their own cost) like removal of film pasted on window glass creating visual transmission of light less than 50 per cent or wind screen.

(2) The vehicles plying on road with safety glasses pasted with glaring film, which reflects light like mirrors should also be stopped forthwith and they should be detained till such defect is not removed.

(3) In case, the defects in vehicle keeping in view the provision contained in Chapter V of the Central Rule or U. P. Rule are not removed immediately then the police authorities, traffic police or other officers of the transport department are directed to seize the registration certificate of such vehicle and send it to registration department for suspension of registration certificate in pursuance to provision contained in Section 53 of the Central Act and for follow up action in accordance to provision contained in Sections 54 and 55 of the Central Act.

(4) No private vehicle, not carrying any constitutional functionaries or persons who are entitled to use the red or blue light with or without flasher in accordance to Government notification referred hereinabove, should be permitted to place such light at top of vehicle. Action should be taken in a manner directed

hereinabove.

(5) No person of private or Government sector shall be permitted to fix a board, plaque or plate in front or back of a vehicle for any reason whatsoever. The fixation of such boards, plates or plaques are not permissible under Rule 50 referred hereinabove. Such boards, plates or plaques should be removed immediately while plying on road and should be treated as offence under the Act calling for punishment u/s 177 of the Central Act and other provisions.

(6) In case, any dealer of the Motor Vehicle deliver vehicle in violation of Rule 42 then it shall be a ground to cancel the registration of such dealer with the Transport Department as well as Trade Tax Department and other Governmental bodies. Motor vehicle dealers are hereby restrained to deliver a vehicle to the consumer without following the provision of Rule 42 of the Central Rules.

(7) The auto dealers and shopkeepers in the State of U. P. dealing with the sale of red or blue lights or films which are pasted on the safety glasses of windscreen and side window of the motor vehicle are hereby restrained to paste the film on the motor vehicles in violation of Rule 100 of the Central Rule. The shopkeepers shall not sale the red or blue light or hooters in the absence of a letter of request issued by the competent authority of the departments. The shopkeepers/auto dealers shall maintain a register containing the detail relating to the sale of red or blue beacon light and hooters as well as pasting of films on the safety glasses keeping in view the provision contained in Rule 100 of the Central Rule. Any action done by the shopkeepers or dealer or motor vehicle dealers in violation of rules or Government notification or present judgment may call for rejection of their registration certificate with the Sale Tax Department as well as other Governmental bodies.

(8) The State Government is further directed to provide required instrument to check the visual transmission of light of the safety glasses or windscreen and side window of the vehicles, to the Police Department as well as Transport Department in required number expeditiously and preferably within a period of two months.

(9) No private car or Government car shall use hooter prohibited by Central Rule except in pursuance to power conferred by the notification issued by the State Government.

(10) State Government is also directed to launch special drive for ten days or a week in every month with joint force consisting the member of Transport Department, Police and Traffic Department throughout the State. Let the special drive continue for four months or more till the vehicles in the State are found in order.

In some of the districts where the kidnapping for ransom or otherwise and organised crime is very high since last several years, the State Government is directed to provide the backup of Provincial Armed Constabulary (P.A.C.) as far

as possible. Those districts are Lucknow, Allahabad, Varanasi, Gorakhpur, Azamgarh, Bareilly, Moradabad, Ghazlabad, Meerut, Agra, Aligarh, Bulandshahr, Kanpur Dehat, Kanpur City, Badaun, Lakhimpur Kheri, Barabanki and Faizabad other districts where the organised crime and mafia activities are well known facts.

(11) The Regional Transport Officers or Assistant Regional Transport Officers are also directed to stop plying of such vehicle and seize the registration certificate and send the same to competent authority for suspension of registration in compliance of Section 53 keeping in view the observation made in the present judgment in case defects are not removed.

The Station House Officers of the Police Stations are also directed to stop the plying of vehicles keeping in view the observation made in the present Judgment and proceed accordingly, within their jurisdiction. Superintendents of Police and Senior Superintendent of Police of the State are directed to enforce the direction issued by this Court in the present judgment by issuing appropriate order to the Station House Officers of their respective jurisdiction of districts and ensure compliance.

(12) The State Government is directed to make all efforts keeping in view the observation made in the present judgment may be by use of appropriate force to free the State of U. P. from the plying of such vehicle on the road or in streets which does not comply with the provision contained in Chapter V of the Central Rule or Act or U. P. Rules.

The aforementioned directions are not final and it shall be open to the State Government to adopt other recourses in accordance to law to check the plying of vehicle in violation of relevant Rules and Regulations.

47. So far as the submission of learned Counsel for the petitioner relating to the charging of parking fees in violation of Central or U. P. Rules is concerned, petitioner is permitted to submit a representation to the competent authority within a period of two weeks from today. In case, such representation is submitted, the competent authority shall pass appropriate speaking and reasoned order in accordance to law within two months and communicate the decision to the petitioner.

48. The Chief Secretary, Government of U. P. is directed to issue appropriate circular or order keeping in view the present judgment which shall be communicated to all concerned for compliance expeditiously and preferably within a period of three weeks.

49. The State Government/Chief Secretary is directed to publish in prominent newspapers of the State (in Hindi and English) the extract of direction issued in the present" judgment as well as the extract of notification relating to the use of red, blue lights, hooters alongwith extract of Rule 100 and Rule 108 of the Central Rules within a period of one month from today.

50. The Chief Secretary, Government of U. P. is further directed to file personal affidavit alongwith the copy of the circular issued and notice published in the newspaper in pursuance to present judgment as well as other actions taken by the Government immediately after lapse of one month.

The Director General of Police is directed to file his personal affidavit containing the status report disclosing the outcome of action taken in pursuance to present judgment by special drive or otherwise with district wise details immediately after lapse of four months.

It shall be open to State to seek further direction by this Court on any untouched problem in view of present Judgment.

51. Let direction issued by this Court in the present Judgment be enforced in the State of U. P. w.e.f. 20.7.2006, so that after publication in newspaper and issuance of circular by the Government people's will get a chance to put their vehicles in order to avoid any inconvenience. Till 20.7.2006, the State of U. P. is directed to continue its effort in pursuance to Act and Rules as done earlier to the pronouncement of judgment.

Office is directed to send the copy of present judgment to the Registrar General of the High Court within ten days from today who in turn shall circulate the same to the members of subordinate Judiciary as observed hereinabove.

Learned chief standing counsel is directed to serve the copy of present judgment to the Chief Secretary of the State of U. P. and Director General of Police within four days.

Subject to aforesaid direction, writ petition is allowed. No order as to costs.

Let a certified copy of this order be provided to the parties' counsel on payment of usual charges within three days.