



IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. 295 OF 2012

S. RAJASEEKARAN

...PETITIONER(S)

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENT(S)

ORDER

J.B. PARDIWALA & K.V. VISWANATHAN, JJ.

1. Dr. S. Rajaseekaran, a leading orthopaedic surgeon and a public-spirited citizen of this country has invoked the jurisdiction of this Court under Article 32 of the Constitution of India praying for the following reliefs in public interest:

“a) To issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondent NO.5 to be directly responsible for this 'national emergency' and to form and head an apex body with all such powers so that all stake holders directly or indirectly responsible for the creation of safer roads, licensing of drivers and vehicles, enforcement of road safety, treatment of accident victims and provision of due compensation to the victim to be brought under one umbrella.

b) To issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondent No. 5 to constitute a core road group for implementation of the following by

allocating fixed time bound responsibilities on Respondent Nos 1 to 4 and 6 to 7:

- various recommendations as contained in the Reports of the 4 Working Groups of the Respondent No.1 pertaining to Engineering, Enforcement, Education and Emergency Care;

-the National Road Safety Policy;

-the measures suggested by the erstwhile Hon'ble Chairman of the Law Commission and

-the suggestions of the Petitioner as contained in paragraph 15 above.

c) To issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondent No.5 to constitute a monitoring group to monitor the Respondent Nos. 1 to 4 and 6 to 7 in the implementation of each of the above contained in paragraph (b) above;

d) To issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondent Nos 1 to 7 to file bi-annual reports with affidavits before this Hon'ble Court regarding the status of the implementation by them;

e) To issue appropriate directions to the Insurance Regulatory and Development Authority, the Respondent No. 7 to suitably modify the rules and regulations of compensation and disbursement of funds so that the accident victim is not left wanting of appropriate medical care on an emergency basis;

f) To issue a writ of mandamus or any other appropriate writ or directions to the Respondent No. 5 so that the Government becomes liable in all accidents where a negligence of omission or commission by any of the Governmental organizations can be pointed as the cause of the accident;

g) To issue necessary orders to Respondent No.1 to urgently include biometrics in licensing and enforce stricter laws to prevent errant drivers;

h) To recommend modification of laws so that fatal accidents due to drunken driving or over-speeding will attract imprisonment and not merely a fine;

i) To direct the Respondent No.1 to seek amendment of the Motor Vehicle Act to include accidents where a single vehicle is involved due to defective road safety measures on the part of Government;

j) Such further reliefs that this Honorable Court may deem fit and proper to protect and save the plight of "not at fault road traffic accident victim".

2. The case put up by the petitioner in public interest is that he is extremely anguished and distressed by the loss of life and limb caused by ever increasing number of road accidents in the country and utter callous and casual attitude of the States towards such accidents despite there being various statutory enactments and plethora of judgments/orders delivered by this Court and various High Courts across the country. According to the petitioner the quantum of loss of lives and limbs are akin to that which occur in major national genocides.
3. This petition was filed way back in the year 2012. According to the petitioner the United Nations had declared the decade of 2011-2020 as the decade of action on road safety. According to him it is high time that the Government of India awakens to the magnitude

of the crisis and takes concrete steps which go beyond mere policies, papers and recommendations on road safety.

4. According to the petitioner 90% (ninety per cent) of the problem is on account of lack of strict enforcement of the safety rules on roads and strict punishment for the drivers who do not obey the road rules. Any traffic violation is a potential accident and every accident is a potential road accident death.
5. It has been brought to our notice that the Ministry of Road Transport and Highways [MoRTH] in its December 2011 publication captioned "Road Accidents in India 2010" has stated as follows:

"Road accidents are a human tragedy. They involve high human suffering and monetary costs in terms of untimely deaths, injuries and loss of potential income. Although we have undertaken many initiatives and are implementing various road safety improvement programmes, the overall situation as revealed by data is far from satisfactory ...

The Government alone cannot tackle road safety problems. There is a need for active involvement of all stakeholders to promote policy reform and implementation of road safety measures. Addressing road safety in a comprehensive manner underscores the need to involve multiple agencies/sectors like health, transport and police. The data and analysis on road accidents presented in the document is expected to create awareness and assist in informed decision making on road safety."

6. By this order today, we propose to issue directions on five important aspects in the hope that compliance of said directions

would help in reduction of road accidents and fatalities. These directions relate to (i) safety of pedestrians while walking on footpaths, (ii) making pedestrian crossings safe (iii) wearing of helmets (iv) Wrong lane driving and unsafe overtaking, and (v) Use of dazzling LED white lights, unauthorized sale and misuse of red-blue strobe lights and hooters. This Court has taken up these five issues in light of recent official figures released by the Government of India which show that (i) more than 35,000 pedestrians were killed in road accidents in the year 2023, (ii) more than 54,000 riders/ passengers of two wheelers had died due to non-wearing of helmets. We shall keep monitoring the compliance of the directions that we propose to issue by way of this order.

ROAD ACCIDENTS IN INDIA 2023

7. The publication “Road Accidents in India 2023” by the Ministry of Road Transport and Highways [MoRTH] indicates that there have been 1,72,890 deaths in road accidents in India in the year 2023, out of which 35,221 are pedestrian deaths, which is an increase of 7.30% from the year 2022. Thus, 20.40% of deaths on Indian roads were of pedestrians.

8. The applicant Mr. Kishan Chand Jain in his submissions has pointed out the alarming increase in pedestrian fatalities as a percentage of total road accident deaths in India over the past eight years (2016–2023) which highlights a growing crisis that demands immediate attention. Pedestrians, being the most vulnerable road users, are increasingly at risk. The data of the past eight years is as follows:

% Share of Pedestrian Killed in Total Road Accident
for the years 2016 to 2023

<i>Year</i>	<i>Total number of Persons killed in road accidents</i>	<i>Total number of Pedestrian Killed in road accidents</i>	<i>% share of Pedestrian killed in total road accident</i>
2016	1,50,785	15,746	10.44%
2017	1,47,913	20,457	13.83%
2018	1,51,417	22,656	14.96%
2019	1,51,113	25,858	17.11%
2020	1,31,714	23,483	17.83%
2021	1,53,972	29,124	18.9%
2022	1,68,491	32,825	19.5%
2023	1,72,890	35,221	20.4%

9. The Road Accidents in India Report 2023 highlights the dangers pedestrians face daily from all kinds of vehicles. The breakdown of pedestrian fatalities by the type of impacting vehicles during 2023 as per Table 4.5 of the 2023 Report is as follows:

SL. NO.	Name of Impacting Vehicles	Pedestrians Killed	%
1	<i>Bicycles</i>	54	0.15%
2	<i>Two-Wheelers</i>	9951	28.26%
3	<i>Auto Rickshaws</i>	1377	3.91%
4	<i>Cars, Taxis Vans & LMV</i>	8724	24.78%
5	<i>Trucks/Lorries</i>	5361	15.23%
6	<i>Buses</i>	2124	6.03%
7	<i>Other Non-Motorized Vehicles-rickshaw etc.</i>	337	0.96%
8	<i>Others</i>	7275	20.67%
9	Total	35,203	100%

10. The applicant has also drawn our attention to other key features relating to pedestrian deaths, as reflected in the 2023 Report, which are as follows:

- “i) *A gender-wise comparison of pedestrian fatalities in 2023 reveals that 27,847 males (79.1%) and 7,374 females (20.9%) lost their lives in road accidents (Annexure 33 of the Report).*
- ii) *Chart 4.11 of the Report highlights that 14,761 males (41.9%) and 3,222 females (9.1%) were killed in the young age group of 18–45 years, indicating the severe impact on the most productive segment of the population.*
- iii) *Annexure 13B of the Report further shows that pedestrian fatalities on National Highways were significant: 8,805 deaths occurred on NHs under NHAI, 1,986 deaths on NHs under State PWDs, and 389 deaths on NHs under other departments, bringing the total number of pedestrian deaths on National Highways to 11,180.”*

11. Therefore, it is of urgent necessity that the authorities ensure that pedestrians in our country are able to walk safely on our streets and more importantly are able to cross the roads safely. The deaths of pedestrians may be attributed to lack of sufficient pedestrian infrastructure, namely footpaths which force the pedestrians to walk on the streets, which is unsafe as they run the risk of being hit and/or run over by vehicles. Furthermore, there is a dire need to ensure that the pedestrian crossings, whether at traffic intersections or otherwise on roads, are safe so that pedestrians are not run over by vehicles while crossing the roads.
12. Footpaths and pedestrian infrastructure are frequently unlawfully encroached upon and misused, forcing pedestrians onto carriageways and exposing them to grave risks. Sections 201 and 210B of the Motor Vehicles Act, 1988 [**“MV Act”**] empower authorities to prohibit and penalise vehicular use of footpaths, pedestrian zones, illegal parking, vending, and other forms of encroachment. In practice, however, footpaths are often converted into carriageways, occupied by vendors or construction activity, and enforcement is inadequate and inconsistent.

13. Universal accessibility features are also often missing, excluding vulnerable users and increasing their exposure to danger. Many footpaths and crossings lack ramps, tactile pavers, and handrails. New facilities frequently fail to comply with national accessibility standards, and poor coordination between implementing agencies delays retrofitting. As a result, persons with disabilities, senior citizens, and other vulnerable groups face significant mobility barriers. The integration of pedestrian infrastructure with public transport nodes remains similarly deficient. Bus terminals, metro stations, and railway stations frequently lack safe access and dispersal facilities. Standards prescribed under IRC:103-2012 and IRC:110-2017 are not consistently applied, resulting in pedestrian spillover onto busy carriageways and unsafe walking conditions around major transit hubs.
14. Pedestrian crossings too suffer from serious deficiencies. Rule 11 of the Road Regulations 1989 gives pedestrians the right of way at uncontrolled zebra crossings, while Rule 8 requires drivers to exercise caution and avoid overtaking near crossings. Section 177 of the **MV Act** provides for penalties, and Sections 279, 337, and 338 of the Indian Penal Code impose criminal liability for rash or negligent driving causing injury. Yet, in practice, zebra crossings

are often faded or poorly located, signalisation is lacking at busy sites, public awareness of pedestrian priority remains low, and enforcement is weak.

15. The *amicus* has drawn our attention to Annexure 46 of the Report on Road Accidents in India 2023 which mentions the accident data in 50 cities having million plus population. An extract of the said data shows that 4,604 pedestrians were killed in the said 50 cities in the year 2023. It is also relevant to mention that Format-9 of the same report collects data regarding location of pedestrian accidents. The said Format-9 is extracted below:-

Format-9

Location of pedestrian accidents according to whether at Pedestrian Infrastructures

<i>Pedestrian infra-structure</i>	<i>Number of accidents</i>					<i>Number of persons</i>			<i>Comments if any</i>
	<i>Fatal</i>	<i>Grievous injury (need hospitalization)</i>	<i>Minimum injury(not needing hospitalization)</i>	<i>Non injury</i>	<i>Total</i>	<i>Fatal</i>	<i>Grievous injury (need hospitalization)</i>	<i>Minimum injury (not needing hospitalization)</i>	
1. Zebra Crossing									
2. Foot bridge/ subway									

3. footpath									
4. Others (where there is no pedestrian infrastructure)									Provide chainage where pedestrians in this category are dying
Total									

STATUTORY PROVISIONS WHICH HAVE A BEARING ON SAFETY OF PEDESTRIANS

16. Our attention has been drawn to some of the statutory provisions under the **MV Act** which *inter alia* are as follows:

“138. Power of State Government to make rules.-

...

(1A) The State Government may, in the interest of road safety, make rules for the purposes of regulating the activities and access of non-mechanically propelled vehicles and pedestrians to public places and national highways;

Provided that in the case of national highways, such rules shall be framed in consultation with the National Highways Authority of India.”

(2) Without prejudice to the generality of the foregoing power, such rules may provide for:

...

(h) prohibiting the use of foot-paths or pavements by motor vehicles;

- (i) generally, the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic; and
- (j) any other matter which is to be, or may be, prescribed.

198-A Failure to comply with standards for road design, construction and maintenance.-

- (1) Any designated authority, contractor, consultant or concessionaire responsible for the design or construction or maintenance of the safety standards of the road shall follow such design, construction and maintenance standards, as may be prescribed by the Central Government from time to time.
- (2) Where failure on the part of the designated authority, contractor, consultant or concessionaire responsible under sub-section (1) to comply with standards for road design, construction and maintenance, results in death or disability, such authority or contractor or concessionaire shall be punishable with a fine which may extend to one lakh rupees and the same shall be paid to the Fund constituted under section 164B.
- (3)

210-C Power of Central Government to make rules.

The Central Government may make rules for-

- (a) design, construction and maintenance standards for National highways;
- b) such other factors as may be taken into account by the Court under sub-section (3) of section 198-A;
- c) any other matter which is, or has to be, prescribed by the Central Government.”

210-D Power of State Government to make rules.

The State Government may make rules for design, construction and maintenance standards for roads other than national highways, and for any other matter which is, or may be, prescribed by the State Government.”

17. The Central Government in exercise of its powers under Section 210-C of the **MV Act**, has framed the Central Motor Vehicles (Eleventh Amendment) Rules, 2020 *vide* the Notification dated 25.09.2020 issued by the Ministry of Road Transport & Highways, Government of India (MoRTH), which came in force w.e.f. 01.10.2020. Rule 166 reads thus:

“166. Road Design, Construction and Maintenance Standards.-

- (1) The design, construction and maintenance of national highways shall be in accordance with the standards and specifications of the Indian Road Congress as may be applicable, or any other instructions or guidelines issued by the Central Government from time to time.*
- (2) The design, construction and maintenance of roads other than national highways shall be in accordance with the standards and specifications of the Indian Road Congress as may be applicable, or any other instructions or guidelines issued by the State Government from time to time.;*
- (3) Subject to the previous approval of the Central Government or State Government, as the case may be, deviations from applicable standards,*

specifications, instructions and guidelines issued under sub-rule (1) or (2), may be made due to local conditions including but not limited to site constraints or built-up area or land acquisition, and a copy of the said approval shall be annexed as part of the relevant contract.

- (4) *The contract shall clearly define the terms designated authority, consultant and concessionaire.”*

**GUIDELINES FOR PEDESTRIAN SAFETY [SECOND REVISION]
JUNE, 2022 PUBLISHED BY INDIAN ROADS CONGRESS (IRC
103-2022)**

18. Pursuant to the directions passed by this Court, the Government of India has filed an affidavit dated 27.08.2025 stating that comprehensive guidelines have been framed by the Indian Roads Congress [IRC], a technical body under the aegis of the MoRTH, called **Guidelines for Pedestrian Safety [Second Revision] June, 2022 IRC 103-2022**. These Guidelines provide detailed specifications/ standards for the design and construction of pedestrian facilities, including footpaths that are accessible by all, including Persons with Disabilities. The said Guidelines also prescribe the standards required for safe pedestrian crossings.
19. By virtue of Rule 166 of the Rules, the above Guidelines are binding in so far as National Highways are concerned and perhaps on States, unless specified to the contrary. Though the Guidelines

are very detailed, some of the salient features of the said Guidelines, which deal with footpaths, are as follows:-

- a) Minimum **width** of footpaths in different zones, viz. Residential, Neighborhood level commercial street, City level commercial street and High street shopping level. The relevant part of the said Guidelines is extracted herein below [**pg.8** of Guidelines]:-

Table 2 Minimum Clear Widths of different Zones on Footpaths as per adjoining Landuse:

<i>Adjoining landuse</i>	<i>a)Minimum walking/ pedestrian zone width (mtrs)</i>	<i>b)Minimum dead/ frontage Zone width (mtrs)</i>	<i>c) Minimum multi-utility zone width (mtrs)</i>	<i>Minimum total footpath width (mtrs) (a+b+c)</i>
<i>Residential (Fig.8)</i>	2.0	0.5	1.5	4.0 (for a 15m wide street with 6m undivided carriageway)
<i>Neighbourhood level commercial street, (Fig.9)</i>	2.5	1.0	1.5	5.0 (for a 18m wide street with 7m undivided carriageway)
<i>City-level commercial street, high-street shopping</i>	4.0	1.0	1.5	6.5 (for a 21m wide street with 7m undivided carriageway)

street (Fig.10)				
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- b) The Guidelines also provide as follows [**pg.9** of Guidelines]:-

“Walking zone of minimum 2.5m should be considered for streets with schools, hospitals, markets, bus stops, public parks and gardens (recreation) at the neighborhood level.”

- c) **Height:** [**pg.10** of Guidelines]- The height of the footpath should be 150mm above the adjoining finished carriageway level to ensure comfortable access to all pedestrians, especially the elderly and children, and prevent illegal parking by not allowing vehicles to mount over the footpath.
- d) **Surface:** Footpath surface should be even, firm, free from cracks and well-drained. Surface should be of anti-skid material to ensure usability and safety in all-weather conditions. Vitrified tiles should be used for tactile pavers as they have high load bearing capacity and are durable. Footpath surface should have gradient (slope) to prevent accumulation of water.
- e) For **Persons with Disability**, Clause 6.5 of the Guidelines provide as follows:-

“6.5 Tactile Pavers:

Visually impaired pedestrians need guidance while walking to find their way, overcome obstacles, and cross safely. Two types of tactile tiles are used- guiding and warning tiles as shown in Figs.29 and 30. Detail specification of tile design can be referred in IRC:SP:117. Guiding tiles have straight continuous lines that indicate the route. They are helpful in large areas such as transport terminals, public spaces and wide footpaths (more than 4m) for easy navigation, as the usual guidance given by the edge of the footpath or compound wall is not within the reach of stick used by visually impaired to navigate. Only warning tiles are recommended on footpaths with width less than 4m. Warning tiles helps to warn against level difference and obstacles, and further informs on how to navigate. It should be placed at the beginning and end of the ramps and stairs. Warning tiles should be provided at property entrances, intersections and pedestrian crossings. Two sets of pedestrian warning tiles should be provided so that the pedestrian does not miss it.”

- f) At this stage, it may also be relevant to mention that the Ministry of Housing and Urban Affairs have issued the Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons with Disability and Elderly Persons in 2021. Section 3.7 provides detailed guidelines for use of **kerb ramps** on pathways and sideways for convenience of persons with disabilities, wheelchair users and elderly persons; Section 3.8 provides for specific guidelines to create safe and accessible **pedestrian**

crossings for mobility for all, including wheelchair users, baby prams and people with luggage trolleys, etc. Section 39 provides for Tactile Guiding Surface Indicators to provide warning and guidance to people with visual difficulties.

- g) **Use of Bollards**: To prevent illegal parking of vehicles on the footpaths, the Guidelines recommend use of bollards. Bollards should be provided at locations on footpath where illegal vehicle encroachment is possible, such as around property entrance access ramps, raised pedestrian crossings or kerb edge of footpath. Bollards should be 0.5-0.7m high with a clear spacing of 0.6m between them and one with 1m clear width to ensure movement of wheelchair users, caregivers with pram and persons with luggage.

20. The IRC Guidelines also deal with pedestrian crossings. Pedestrians of all age groups and abilities should be able to cross the streets safely and conveniently. Pedestrians mostly cross at mid-block and at intersections. Frequent opportunities for at grade crossings should be available on urban streets. Crossings that are located far apart increases the walking distance which leads pedestrians to cross randomly. Similarly, if the waiting time to cross increases, pedestrians tend to become impatient and

cross in an unsafe condition, subjecting themselves to the risk of road crash. [**Pg.22** of the Guidelines]

21. Pedestrian crossings are of two kinds: at grade and grade-separated. 'At grade pedestrian crossings'¹ provide crossing at the street level, whereas grade separated infrastructure provide crossing above or below the street level. Foot over bridges and subways are grade separated pedestrian crossings. 'At grade' pedestrian crossings are recommended over grade separated ones, as they provide quick, short and comfortable crossing. 4m wide crossings are recommended in streets with high pedestrian volumes such as schools, transit stations, shopping complex etc. Pedestrian crossings should be clearly visible to all road users by appropriate markings.

¹ "6.7.1 At-Grade Pedestrian Crossings [at **pg.23** of Guidelines]- At grade pedestrian crossings are mainly of two kinds- tabletop/ raised crossing and painted zebra crossing. Tabletop or raised crossings are recommended at all unsignalized crossings as it provides comfortable and safe crossing to all road users including persons on wheelchair, elderly and caregivers with pram. It allows pedestrians to cross at the same level as the footpath. It also acts as a traffic claiming measure that ensures road safety to both pedestrians and motorists. Crossing is raised at the same level as the adjacent footpath finished level. Ramps of 1:8 slope is provided for vehicle access. Crossing should be minimum 2m wide. Bollards should be provided at both ends of the crossing and at median to prevent vehicles from (especially two-wheelers) taking U-turns and entering the footpath. Atleast one bollard spacing should ensure access to wheelchair users. It is recommended to provide traffic calming measure (speed hump) 10-20m before the crossing. This will help to slow down the vehicle in advance and ensure pedestrian safety. Tactile pavers should be provided to guide visually impaired persons. Provision for storm water drainage before the ramp should be provided. Asphalt concrete may be used for the table top surface."

22. Accidents frequently occur in school zones and other vulnerable corridors with high numbers of children and elderly pedestrians. Although IRC Guidelines Part 11 prescribe measures such as raised crossings, zebra markings, and traffic calming, these are often not implemented. Vulnerable corridors are also not systematically identified using accident data, which leads to weak prioritisation of safety interventions and exposes pedestrians to unnecessary risks.
23. Annexure-2 of the IRC Guidelines lays down the nomographs for planning pedestrian crossings which gives a scientific manner in which pedestrian crossing can be planned, depending upon the pedestrian volume. The IRC Guidelines also lay down standards for signalized crossings for pedestrians and traffic signals with pedestrians' phases. Part 7 of the IRC Guidelines deal with pedestrian facilities at intersections, Part 11 deals with pedestrian facilities around school zones; and Part 12 deals with pedestrian facilities around transit stations.

**PROPER AND WELL-MAINTAINED FOOTPATH(S) IS A
JUDICIALLY RECOGNIZED RIGHT**

24. This Court has recognized that safe and encroachment free footpaths are very vital for movement of pedestrians. Therefore, NHAI, State Governments and Municipal authorities have a duty to ensure that footpaths are built in a proper manner and pedestrians are provided safe opportunities to cross the streets. Some of the judgments of this Court which deal with the rights of pedestrians, *inter alia* are:-

- (i) In ***Olga Tellis v. Bombay Municipal Corporation***, reported in **(1985) 3 SCC 545**, this Court was dealing with a case of removal of encroachments from footpaths. This Court observed that:

"57. To summarise, we hold that no person has the right to encroach, by erecting a structure or otherwise, on footpaths, pavements or any other place reserved or earmarked for a public purpose like, for example, a garden or a playground;"

- (ii) In ***Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan***, reported in **(1997) 11 SCC 121**, this Court observed as under:

"8.Footpath, street or pavement are public property which are intended to serve the convenience of the general public. They are not laid for private use and indeed, their use for a private purpose frustrates the very object for which they are carved out from portions of public

roads. The main reason for laying out pavements is to ensure that the pedestrians are able to go about their daily affairs with a reasonable measure of safety and security. That facility, which has matured into a right of the pedestrians, cannot be set at naught by allowing encroachments to be made on the pavements. The claim of the pavement-dwellers to construct huts on the pavement or road is a permanent obstruction to free passage of traffic and pedestrians' safety and security. Therefore, it would be impermissible to permit or to make use of the pavement for private purpose. They should allow passing and repassing by the pedestrians. No one has a right to make use of a public property for their private purpose without the requisite authorisation from the competent authority. It would, therefore, be but the duty of the competent authority to remove encroachments on the pavement or footpath of the public street obstructing free flow of traffic or passing or repassing by the pedestrians."

- (iii) In **Sudhir Madan v. Municipal Corporation of Delhi**, reported in **(2009) 17 SCC 332**, this Court observed as under:

"3. We have also to keep in mind the principle that the right to use the pathway, footpath, etc. is that of the citizens. No hawker can claim a right to defeat the rights of other citizens. The hawkers are large in number, but the population of citizens is many times more than that of hawkers and, therefore, the fundamental rights of the citizens cannot be put in jeopardy by permitting hawkers and squatters to block roads, footpaths, public parks, etc. etc. The authority, which frames a scheme, has to keep this paramount consideration in mind. Consistent with the rights of citizens, if it is possible to provide any space to hawkers, squatters, etc. that may be done

consistent with the policy to be framed by the authority concerned.

xxx

xxx

xxx

5. We do not wish to give the authorities an impression that the streets, lanes, footpaths and the parks exist only for hawkers. The reality is that they exist for the benefit of the ordinary people living in those localities.....

xxx

xxx

xxx

9. While we undertake this exercise, we direct the authorities to see to it that those persons, who are carrying on hawking activities or who are squatting on public land without any authority, even in accordance with the present day scheme in force, are removed forthwith. This includes unauthorised hawking, squatting on public streets, footpaths and public parks, including playgrounds. We direct the Delhi Administration to take steps immediately in collaboration with MCD and NDMC with necessary assistance from Delhi Police to clear the roads, streets, footpaths, parks, etc. by unauthorised occupants/squatters/hawkers. We expect that in the next two weeks steps will be taken by the authorities concerned to remove the unauthorised hawkers, squatters, occupants from the public roads, streets, footpaths, parks, etc. Let a compliance report be submitted to this Court within four weeks from today."

- (iv) In **MC Mehta v. Union of India**, reported in **(2019) 10 SCC 614**, it was held as follows:

"19..... Parking on footpaths is strictly prohibited. There can be no violation of this and it cannot be permitted under any circumstances. Footpaths are meant for pedestrians. Many houses encroach footpaths for many reasons

such as extending the garden, making security guard cabins, etc. All these are encroachments of public space. We direct that all security guard cabins should be built within the plot area and not on the footpaths. In any colony where the footpath is found to be encroached upon, strict action should be taken against the owner and the encroachment should be removed from the footpath. In case such house owners after removal of the encroachment again encroach upon the footpath then rules may be framed to discontinue municipal services like water, electricity, sewage, etc. to the residence of the encroachers.”

IMPLEMENTATION OF THE IRC GUIDELINES

25. In light of the above statutory provisions and judicial decisions, the applicant and the *amicus* have submitted before us that there is an urgent need to implement the IRC Guidelines, to the extent possible, to ensure safety of pedestrians. The IRC Guidelines, if implemented in letter and spirit, would reduce chances of pedestrian accidents. However, the implementation of the above Guidelines is a big challenge. Considering the space and other planning constraints, perhaps it may not be possible that all the above Guidelines can be implemented at all the places, but a sincere effort should be made to bring all footpaths and pedestrian crossings in conformity with the above Guidelines,

especially at places where there is heavy footfall like markets, hospitals, transit stations, schools and also high-risk/vulnerable places where there is documented history of road accidents resulting in deaths/injuries to pedestrians.

26. Since the data regarding death and/or injuries to pedestrians are already available with the authorities, namely the Municipal authorities, State Governments and NHAI, they are broadly aware of the vulnerable spots where deaths/injuries have been caused to pedestrians in the last 2-3 years. This data can be the beginning point for taking remedial steps in the attempt to reduce injuries and death of pedestrians on roads.
27. After considering the submissions made by the applicant, Mr. Kishan Chand Jain, Mr. Vikramjit Banerjee, Ld. ASG and the *amicus*, we have, at the end of this Order, issued certain directions for implementation of the statutory provisions and IRC Guidelines. We have issued these directions as an interim measure and we would expect that the authorities would take serious efforts to implement the Guidelines laid down by the Central Government itself.

REQUIREMENT OF WEARING HELMETS

28. The *amicus* in his report has also drawn the attention of this Court to the relevant parts of the report 'Road Accidents in India 2023', which shows that around 45% [77,455] were drivers or passengers of two wheelers and 70% of this number [54,568] were deaths due to not wearing helmets. These deaths could have been avoided, if not all, then a majority of them. It is difficult to understand the non-implementation of the rules relating to wearing helmets. The relevant provisions of the **MV Act** are as follows:-

"128. Safety measures for drivers and pillion riders.-

- (1) No driver of a two-wheeled motorcycle shall carry more than one person in addition to himself on the motorcycle and no such person shall be carried otherwise than sitting on a proper seat security fixed to the motorcycle behind the driver's seat with appropriate safety measures.*
- (2) In addition to the safety measures mentioned in sub-section (1), the Central Government may, prescribe other safety measures for the drivers of two-wheeled motorcycles and pillion riders thereon.*

129. Wearing of protective headgear.-

Every person, above four years of age, driving or riding or being carried on a motorcycle of any class or description shall, while in a public place, wear protective headgear conforming to such standards as may be prescribed by the Central Government:

Provided that the provisions of this section shall not apply to a person who is a Sikh, if, while driving or riding on the motorcycle, in a public place, he is wearing a turban:

Provided further that the Central Government may by rules provide for measures for the safety of children below four years of age riding or being carried on a motorcycle.

xxx

xxx

xxx

194-D Penalty for not wearing protective headgear.-

Whoever drives a motor cycle or causes or allows a motor cycle to be driven in contravention of the provisions of section 129 or the rules or regulations made thereunder shall be punishable with a fine of one thousand rupees and he shall be disqualified for holding licence for a period of three months.”

29. In light of the above, we have issued directions regarding wearing of helmets at the end of this Order.

Wrong-Lane Driving, Unsafe Overtaking, and Lane Discipline

30. Wrong-lane driving and unsafe overtaking remain rampant, especially near intersections and pedestrian crossings, despite

penal provisions under Sections 184 and 206 of the **MV Act**. Such violations create unpredictable vehicle movements, reducing reaction time for both drivers and pedestrians, and directly increase the risk of collisions, particularly for those attempting to cross roads at grade. Pedestrians are exposed to sudden vehicular approaches, often without warning, which can result in serious injuries or fatalities.

31. Lane discipline violations are widespread. Rule 5 of the Road Regulations 1989 requires vehicles to keep left, overtake from the right, and mandates specific lane usage for slow and heavy vehicles. Sections 184 and 206 of the **MV Act** penalise lane indiscipline and dangerous driving. Common violations, such as wrong-lane driving, weaving without indication, misuse of bus and cycle lanes, and blocking crossings, create chaotic traffic patterns. These unpredictable movements make it difficult for pedestrians to judge safe gaps, especially children, the elderly, and persons with disabilities, thereby substantially increasing the likelihood of mid-block accidents.

32. Pedestrian safety is intrinsically linked to broader policy goals, including accident prevention, inclusive mobility, walkability, and environmental objectives. The systematic failure of lane discipline

compromises the predictability of vehicle flows, undermining safe pedestrian crossings and increasing exposure to high-risk interactions. Effective reform requires convergence of Engineering (infrastructure), Education (awareness), and Enforcement (law) — the “3E Framework” — to achieve systematic and sustained safety outcomes, ensuring that pedestrian movements are anticipated, protected, and prioritized.

Hazards from Dazzling LED Headlights, Red-Blue Strobe Lights, and Unauthorised Emergency Hooters

33. This Court notes with particular concern the widespread use of dazzling white LED headlights, unauthorised red-blue strobe lights, and hooters that mimic emergency sirens. High-intensity headlights, including those fitted in two-wheelers, cause temporary visual disorientation and glare for oncoming drivers, as well as pedestrians. Pedestrians face momentary loss of spatial awareness, increasing the risk of being hit or tripping into roadside drains, pits, or other hazards. Drivers experience reduced reaction time, difficulty judging distances, and impaired lane discipline, particularly on narrow streets and highways, which heightens the likelihood of collisions.

34. Red–blue strobes, intended exclusively for authorised emergency vehicles, are increasingly misused by private vehicles and are freely available in the market. Similarly, hooters that imitate emergency sirens are illegally installed on private vehicles. Such misuse creates a false sense of authority, intimidation, and panic among pedestrians and other road users. Drivers may react abruptly, slow down unnecessarily, or make erratic manoeuvres, creating traffic disruptions and raising accident risk. Pedestrians may freeze, retreat, or take unsafe evasive actions, increasing their exposure to injury. The unauthorised use of these lights and siren-like hooters also undermines respect for genuine emergency services, diluting the authority and effectiveness of legitimate responders during critical situations.

DIRECTIONS

35. **Directions in relation to safety of pedestrians, i.e., pavements and pedestrian crossings**

- 35.1 **Footpaths:** The road owning agencies in 50 cities [as mentioned in Annexure 46 of the Report on Road Accidents, 2023] and the NHAI are hereby **directed** to start audit of existing footpaths. They shall begin with those stretches which are more crowded like

markets, railway stations, bus stands, religious institutions, educational institutions, etc., where there is a heavy footfall of pedestrians. While doing the audit, the authorities shall also prioritize those areas, at least 15-20 such spots, where there have been pedestrian injuries/ deaths as per Format-9 in the last 2-3 years. The said audit *inter alia* ought to identify the deficiencies in the existing **footpaths**, including the width, height, surface of the said footpaths, decide the remedial measures, including repair and road engineering improvement of the facilities, and fix a timeline for addressing the deficiencies.

35.2 The existing **pedestrian crossings** must be carefully audited to ensure that they are compliant with the IRC Guidelines to the extent possible. The audit may begin with crowded intersections and thereafter other pedestrian crossings can be taken up. The deficiencies and the shortcomings in the said pedestrian crossings should be identified and remedial time bound measures be undertaken.

35.3 Authorities shall undertake a structured assessment of footpath and pedestrian zone encroachments, identifying chronic hotspots. They may consider the phased deployment of automated, camera-based monitoring systems, the use of

physical deterrents such as bollards and guardrails, and regular clearance drives supported by GIS mapping and photographic records, to ensure continuous protection of pedestrian spaces

35.4 There are a number of places where the existing **pedestrian crossings** by way of foot over bridge or under passes are not being used for the reason that they are not being well maintained or they are unsafe. It is also seen that at number of places, pedestrians cross the streets, despite underpasses or foot over bridge, because there are no barriers at the median to prevent the pedestrians from crossing the street. This Court notes that pedestrian subways and foot overbridges (FOBs) are often unsafe, poorly maintained, or inaccessible. Inadequate lighting, absence of CCTV surveillance, lack of panic alert systems, and failure to comply with the MOHUA Harmonised Guidelines (2021) and IRC:103-2012 contribute to both the perception and reality of insecurity for users, particularly women, children, and elderly persons. This situation has fostered behavioral inertia, with many pedestrians choosing to cross at grade even where such facilities exist, highlighting the urgent need for a combination of design improvements, public awareness initiatives, and enforcement measures to ensure better utilization and safer pedestrian

movement. Therefore, we **direct** that audit of existing pedestrian crossings should additionally focus on:

- i) Requirement of traffic calming measures as per IRC:35-2015 and IRC:67-2012.
- ii) Signage to indicate the existence of pedestrian crossing, with high-visibility zebra markings which may be supplemented with reflective materials.
- iii) Illumination of pedestrian crossings during night-time.
- iv) Road dividers should be placed in a manner to prevent pedestrians from crossing the road at any other place.
- v) The condition and safety of pedestrian subways and FOBs, with upgradation measures including improved LED lighting, CCTV surveillance linked to command centres, clearly demarcated entry and exit points, panic buttons connected to local police stations, and enforceable operation and maintenance standards through contracts.

35.5 Authorities shall review existing pedestrian infrastructure for compliance with MOHUA and IRC standards, prioritising high-footfall and accident-prone areas for retrofitting. The establishment of dedicated Accessibility and Pedestrian Cells may be considered to coordinate implementation, monitoring, and grievance redress mechanisms. In school zones and other vulnerable corridors, authorities shall systematically identify high-risk stretches using accident data, and implement context-specific measures such as raised crossings, zebra markings,

traffic calming features, and deployment of trained crossing guards.

35.6 The *amicus* has also submitted that there is a need to assess the requirement of further pedestrian crossings, especially where there is high pedestrian volume crossing the streets. One can give example of the road crossing at the Delhi High Court and the National Zoological Garden on Mathura Road where every day thousands of employees/ litigants/ lawyers/ children/ families cross the road, without any red light or foot over bridge or any traffic calming measure, putting their lives at risk. We, therefore, **direct** the road owning agencies in the 50 cities mentioned in Annexure 46 of the Report on Road Accidents, 2023 and the NHAI to draw up an action plan and start phase-wise survey to assess the requirement of additional pedestrian crossing facilities. The NHAI/road owning agencies can begin with crowded streets and where there is recorded data on accidents. We would expect that over the next 1 year, at least 20 percent of the roads in the above cities can be taken up for survey and wherever required, pedestrian crossings can be created. Similarly, NHAI can also take up those portions of National Highways which pass through cities and villages where they may be a need for more pedestrian

crossings. We direct that first priority be given to the road crossing at the Delhi High Court and the National Zoological Garden on the Mathura Road. Let the needful be done at the earliest and the work be completed within seven months from today.

35.7 The *amicus* has provided us with a guide-book by SaveLife Foundation, namely, “Guide to Redesign High Fatality Zones” for road owning agencies to undertake standardized, low-cost solutions for the most dangerous pedestrian conflict points, particularly focusing on assessment of public spaces, development of intersection safety measures and management of median gaps, where warranted by traffic and pedestrian volumes. An addendum to the said guidebook is the “Guide for the Implementation of Intersection Design Standards for Pedestrian Safety” that collates various IRC guidelines and provides both short-term and long-term solutions for recurring safety issues. This can also be referred to by the authorities if they so deem fit.

35.8 Authorities shall examine pedestrian infrastructure at public transport nodes, including bus terminals, metro and railway stations, for conformity with IRC standards. Interventions such as shaded holding areas, tactile paving, and conflict-point

redesign may be considered, supported by joint audits between transport and municipal agencies.

35.9 With respect to pedestrian crossings, authorities may assess busy intersections for the feasibility of installing signalised crossings with pedestrian actuated signals, audible cues, and improved signage. Awareness campaigns may be conducted to reinforce pedestrian priority, and integration of pedestrian rights into driver training and licence renewal may be explored.

35.10 State transport departments, municipal authorities, NHAI, and traffic police shall strengthen implementation and monitoring of pedestrian safety measures. Section 198A of the **MV Act** shall be invoked to hold officials and contractors personally liable in cases of pedestrian deaths due to infrastructural or design failures. Authorities shall reinforce earlier judicial directions regarding helmet enforcement, pedestrian audits, legislative gaps, and grievance redressal, ensuring continuity, compliance, and accountability. Pedestrian safety reviews should be systematically incorporated into existing road safety monitoring frameworks to identify lapses and enforce timely remedial action.

35.11 It is very important that a simple and effective **grievance redressal mechanism** is put in place by the landowning agencies i.e. PWD Department, Municipal Authorities and NHAI so that complaints pertaining to lack of maintenance of footpaths and the requirement of a pedestrian crossing, are addressed. State Governments/Municipal Authorities/NHAI are directed to create an online grievance redressal mechanism regarding footpaths which would include complaints of encroachments on footpaths, maintenance of footpaths and also suggestions for pedestrian crossing. The concerned authority should respond to complaints within a specified time frame and ensure that the issue is resolved in a time-bound manner. The grievance redressal system must incorporate a review mechanism by higher authorities, to be invoked in cases where the complainant is not satisfied with the resolution provided.

35.12 The District Road Safety Committees (DRSCs), constituted under Section 215(3) of the **MV Act** play a crucial role in the implementation and monitoring of road safety measures at the district level. Given the rising number of pedestrian deaths in both urban and rural areas, these committees should mandatorily address pedestrian safety issues in their monthly meetings.

Directions relating to wearing of helmets

35.13 We direct all the State Governments, UTs and the NHAI to strictly implement the provisions of law relating to wearing helmets by two-wheeler drivers and passengers using two wheelers. Strict enforcement of these rules should be ensured *inter alia* through e-enforcement mechanism i.e. cameras installed at various places. The mechanism available for enforcement of the aforesaid violation shall be brought to the notice of this Court. The number of persons penalized and the amounts recovered by challans and the licenses suspended shall also be informed to this Court.

Direction on Unlawful and Wrongful Lane Driving:

35.14 State transport departments, traffic police authorities, and urban local bodies shall take measures to enforce lane discipline by addressing unlawful or wrong-lane driving, including the use of automated cameras, graduated fines, coloured and textured lane markings (e.g., for bus and cycle lanes), dynamic lighting, rumble strips, and tyre killers at critical conflict points. The development and publication of real-time dashboards on lane

violations may also be explored to build public awareness, enhance compliance, and improve overall road safety.

Directions on White LED Dazzling Lights, Red-Blue Strobe Lights, and Unauthorized Hooters:

35.15 The Ministry of Road Transport & Highways (MoRTH), State Transport Departments, and traffic police authorities shall prescribe maximum permissible luminance and beam angles for vehicle headlights and ensure compliance through checks during PUC testing and vehicle fitness certification, while conducting targeted drives to penalize non-compliant or modified headlights. A complete ban on unauthorized red-blue strobe flashing lights and illegal hooters shall be enforced through seizure, market crackdowns, and penalties. Simultaneously, nationwide public awareness campaigns by MoRTH, state transport departments, and traffic police shall be conducted to sensitize drivers and pedestrians about the hazards posed by dazzling headlights, unauthorized strobe lights, and illegal hooters, thereby enhancing overall road safety.

Regarding Framing of rules by the State Governments:

35.16 We direct all the States and UTs to formulate and notify Rules under Section 138(1A) of the **MV Act** within a period of six months, if not already framed, for the purposes of regulating the activities and access of non-mechanically propelled vehicles and pedestrians to public places and national highways.

35.17 We direct all the States and UTs to formulate and notify Rules under Section 210-D of the **MV Act** within a period of six months, if not already framed, for design, construction and maintenance of standards for roads other than national highways.

36. Lastly, this Court expresses its deep sense of gratitude towards the learned *amicus*, Mr. Gaurav Agrawal for his valuable assistance, contribution and efforts. Mr. Gaurav Agrawal was appointed as *amicus* way back in the year 2015 and has assisted this Court all throughout for a period of almost more than ten years on a very important and sensitive issue. We place on record our appreciation for the yeoman services rendered by the learned *amicus*, Mr. Gaurav Agrawal.

37. The Registry shall list this matter once again after a period of seven months to report compliance of our directions and further progress in the matter.

.....J
(J.B. PARDIWALA)

.....J
(K.V. VISWANATHAN)

NEW DELHI;
7th OCTOBER, 2025.