

ITEM NO.6

COURT NO.8

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.295/2012

S.RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

[HEARD BY : HON. J.B. PARDIWALA AND HON. K.V. VISWANATHAN,
JJ.].... [MR. GAURAV AGRAWAL, SENIOR ADVOCATE IS AMICUS
CURIAE].....

[ONLY IA NO. 43387/25, IA NO. 119142/25, IA NO. 288063/2025 and IA
NO. 288062/2025 ARE LISTED UNDER THIS ITEM ON 20.11.2025 ON TOP OF
THE BOARD.]

IA No. 288062/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 43387/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 288063/2025 - INTERVENTION APPLICATION

IA No. 119142/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 20-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. Krishna Kumar, AOR
Mr. Vinodh Kanna B, Adv.

For Intervenor Mr. Sunil Ahya, Adv.
Mr. Anil Kumar, AOR

For Respondent(s) :Mr. Vikramjit Bannerjee, A.S.G.
Mr. Raj Bahadur Yadav, AOR

Mr. Sharath Nambiar, Adv.
Mr. Sabrish Subramaniam, Adv.
Mr. Debojit Borkakati, Adv.
Ms. Tusharika Sharma, Adv.

Mr. Vikramjit Banerjee, A.S.G.
Mr. Sharath Nambiar, Adv.
Mr. B.K. Satija, Adv.
Mr. T.s.sabarish, Adv.
Mr. Debojit Borkakati, Adv.
Mr. Sudarshan Lamba, AOR

Mr. Viresh B. Saharya, AOR

Ms. Ankita Chaudhary, AOR
Mr. Shreyas Balaji, Adv.
Mr. Chand Kapoor, Adv.

Mr. V. Shyamohan, AOR
Mr. Sanjay Jain, AOR

Mr. Kishan Chan Jain, Adv.
Mr. Haraprasad Sahu, Adv.
Mr. Pranaya Kumar Mohapatra, AOR

Mr. Satyajeet Kumar, AOR
Ms. Astha Sharma, AOR

Mr. Rajat Bhardwaj, A.A.G.
Ms. Baani Khanna, AOR
Mr. Robin Singh, Adv.
Mr. Kapil Balwani, Adv.
Mr. Shrikant Thokchom, Adv.

Mr. Santosh Kumar - I, AOR
Mr. Pradeep Misra, AOR

Mr. Shantanu Sagar, AOR
Mr. Anil Kumar, Adv.
Mr. Gunjesh Ranjan, Adv.
Mrs. Divya Mishra, Adv.
Mr. Prakash Kumarmangalam, Adv.
Mr. Abhishek Kumar Gupta, Adv.

Mr. Sunny Choudhary, AOR

Mr. Nitin Lonkar, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.

Ms. Swati Ghildiyal, AOR
Ms. Neha Singh, Adv.

Mr. V. N. Raghupathy, AOR

Mr. Nishe Rajen Shonker, AOR
Ms. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.
Mrs. Devika A.l., Adv.

Mr. Guntur Pramod Kumar, AOR
Ms. Prerna Singh, Adv.
Mr. Dhruv Yadav, Adv.

Mr. M. P. Vinod, AOR

Mr. Kishan Chand Jain, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Ashwini Kumar, Adv.
Mr. Sidhant Sahay, Adv.
Mr. E. C. Agrawala, AOR

Mr. Vikramjit Banerjee, A.S.G.
Mr. Mrinal Elkar Mazumdar, Adv.
Mr. Neeraj Kumar Sharma, Adv.
Ms. Indira Bhakar, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Harish Pandey, Adv.
Mr. Shashwat Parihar, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Varun Chugh, Adv.
Mr. Bhuvan Kapur, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Rajesh Singh Chauhan, Adv.
Mr. Apoorv Kurup, Adv.

Mr. Krishna Kant Dubey, Adv.
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Mr. Rahul Kumar, Adv.
Mr. Aakash Thakur, Adv.

Mr. Neeraj Shekhar, AOR
Mr. Rajesh Maurya, Adv.

Ms. Tulika Mukherjee, AOR
Ms. Ruchira Goel, AOR
Mr. Vivek Kishore, AOR
Mr. Subhasish Mohanty, AOR

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Ms. Swati Tiwari, Adv.
Mr. Rajan Narain, AOR

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.
Ms. Yanmi Phazang, Adv.

Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.
Ms. Pooja Singh, Adv.

Mr. Aravindh S., AOR
Ms. Anika Bansal, Adv.

Mr. Gaurav Agrawal, Senior Advocate, Amicus
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Mr. Ravi Raghunath, AOR

Mr. Manan Daga, Adv.
Mr. Nakul Patwardhan, Adv.
Ms. Kaarunya Lakshmi, Adv.
Ms. Sejal Jain, Adv.
Mr. Karan Singh, Adv.
Mr. Utkarsh Krishna, Adv.

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Ms. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Ms. Sunita Sharma, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Annirudh Sharma Ii, Adv.
Mr. Jagdish Chandra Solanki, Adv.

Mr. Amit Anand Tiwari, Sr. A.A.G.
Mr. Sabarish Subramanian, AOR
Mr. Vishnu Unnikrishnan, Adv.
Ms. Jahnavi Taneja, Adv.
Mr. Danish Saifi, Adv.

Mr. Sumit Gupta, Adv.
Ms. Jaikriti S. Jadeja, AOR
Mr. Akshay Kumar Tiwari, Adv.
Ms. Tanya Shrotriya, Adv.
Ms. Juhi Bhargava, Adv.

Ms. Rashmi Nandakumar, AOR

Mr. Kunal Mimani, AOR
Mr. Parag Chaturvedi, Adv.

Mr. D. K. Devesh, AOR

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
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Ms. Deepanwita Priyanka, AOR
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Mr. Prashant Bhagwati, Adv.

Ms. Priyal Sheth, Adv.

Mr. Raghvendra Kumar, AOR

Mr. Divyanshu Kumar Srivastava, AOR

Mr. Shivam Nagpal, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Karun Sharma, Adv.

Ms. Rajkumari Divyasana, Adv.

Ms. Ruchira Gupta, Adv.

Mr. Shishir Deshpande, AOR

Ms. Pooja Tripathi, Adv.

Mr. Amit Kumar, Adv.

Mr. Abhishek Verma, Adv.

Ms. Devina Sehgal, AOR

Mr. Srikanth Varma Mudunuru, Adv.

Mr. Avijit Mani Tripathi, AOR

Mr. T.K. Nayak, Adv.

Mr. V.S. Jastin, Adv.

Mr. Amit Kumar Chawla, Adv.

Mr. Hitesh Kumar Sharma, Adv.

Mr. Akhileshwar Jha, Adv.

Mr. Saurabh Kumar Solanki, Adv.

Mr. Narendra Pal Sharma, Adv.

Mr. Santosh Kumar Jha, Adv.

Mr. Ajit Singh, Adv.

Mr. Sanjiv Kumar Jain, Adv.

Mr. Mahi Pal Singh, Adv.

Ms Swati Vishan, Adv.

Mr. Jatin Malik, Adv.

Mr. Anupam Kumar, Adv.

Mr. Sanjeev Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. There are four Interim Applications today before us.
2. In I.A. No. 43387 of 2025, the applicant has prayed for the following reliefs:-

“(i) to direct the Union of India, through the Secretary, Ministry of Road Transport & Highways, to make a scheme under Section 162(1) of the Motor Vehicles Act, 1988 (as amended) (the MV Act) requiring insurance companies to provide cashless treatment for road accident victims in hospitals who are entitle to benefits under the Motor Vehicle Insurance Cover and also to reimburse post-discharge medical expenses, time-to-time, within 2 weeks of submitting invoices and supporting documents for timely financial support and uninterrupted medical care for accident victims post discharge.

as this Hon’ble Court has directed to the Union of India for making a scheme only under S. 162(2) of the MV Act for golden hours vide order dt. 08.01.2025 passed in IA No. 202442 of 2023 in WP (C) No. 295 of 2012 (Annexure A-4 at pg. 58 to 67)

(ii) to direct the Insurance Regulatory and Development Authority of India (IRDAI) to ensure that all general insurance companies comply with the schemes made under Section 162(1) of the MV Act by providing complete coverage for the cashless treatment of road accident victims (in hospital and post hospital) in as much as per electronic-Detailed Accident Reports (e-DAR), nearly 60% of road accidents involve motor vehicles having third party coverage (Annexure A-5 at pg. 68 to 70);

(iii) to direct the Union of India, through the Secretary, MoRTH, to ensure that the scheme under Section 162(1) of the MV Act includes clear guidelines, funding mechanisms, and accountability measures for effective implementation.

(iv) To direct the Union of India through its Secretary MoRTH that upon the commencement of the treatment scheme under S.162(1) of the MV Act for road accident victims, a comprehensive awareness campaign should be diligently executed through both

print and electronic media to ensure that eligible individuals, their family members, and associates are well-informed about the existence and benefits of the scheme, enabling them to effectively utilize this vital resource for their well-being;

(v) To direct the Union of India through its Secretary MoRTH to make the pertinent information regarding medical treatment for victims of road accidents as per the Scheme under S. 162(1) of the MV Act accessible to the public and to release monthly/bimonthly bulletins regarding district-wise and state wise number of beneficiaries of the Scheme along with the amount incurred for the treatment of the road accident victims. Such transparency will enable an assessment of the scheme's benefits to the victims.

(vi) and/or pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

3. We heard the applicant appearing in person & Mr. Gaurav Agrawal, the learned Amicus Curiae. We also heard, Mr. Vikramjit Banerjee, the learned ASG appearing for the Union.

4. We are of the view that all the relevant aspects highlighted in the I.As. more particularly the reliefs prayed for, should be looked into by the Hon'ble Justice A.M. Sapre Committee constituted by this Court.

5. We request the Committee to deliberate on all these reliefs, which have been prayed for, and forward its suggestions. The suggestions that may be offered by the Committee would definitely come handy to us before we proceed to issue final directions.

6. The Registry shall forward one copy of this order to the Committee of Hon'ble Justice A.M. Sapre at the earliest.

7. We request Hon'ble Mr. Justice A.M. Sapre to hear all the stakeholders so that a holistic view of all the relevant aspects is taken in larger public interest.

8. We request Hon'ble Justice Sapre Committee to furnish its report within a period of six weeks from today.

9. In I.A. No.119142 of 2024, the following reliefs have been prayed for:-

- (i) To direct the State of UP to revive the trials of accused for offences punishable under the provisions of the Motor Vehicle Act, 1988 (as amended) which were pending before the concerned magistrates on 31.12.2021 by ignoring the provisions of the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 2023 (UP Act No. 4 of 2023) (Annexure A-5 at pg. 37-38);*
- (ii) To declare the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 2023 (UP Act No. 4 of 2023) (Annexure A-5 at pg. 37-38) as ultra vires being repugnant to the provisions of the Motor Vehicles Act, 1988 (as amended) enacted by the Union Parliament under Entry No. 35 of List III of the Constitution of India, since the said UP Act No. 4 of 2023 was neither reserved for the consideration of the President of India nor received his assent, as per the provisions of Article 254 (2) of the Constitution of India;*
- (iii) To declare the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 2023 (UP Act No. 4 of 2023) as ultra vires of Article 14 of the Constitution of India in view of the recurrent abatement of trials for offences under the MV Act, as evidenced by the following enactments,*

which raises serious concerns regarding its fairness and legality:

1	UP Act No. 35 of 1979	Pending before 01.01.1977
2	UP Act No. 29 of 2016	From 01.01.1977 to 01.01.2013
3	UP Act No. 9 of 2018	From 01.01.2013 to 31.12.2015
4	UP Act No. 21 of 2019	From 31.12.2015 to 31.12.2016
5	UP Act No. 4 of 2023	From 31.12.2016 to 31.12.2021

This practice spanning an uninterrupted period from before 01.01.1977 to 31.12.2021 (a span of 44 years) be deemed arbitrary, unjust, and unreasonable. The systematic abatement of trials for MV Act offences incentivized traffic rule violations instead of serving as a deterrent to errant drivers. This lax approach has led to a disregard for traffic regulations, resulting in a surge in road accidents, fatalities, and injuries. Additionally, the dismal disposal rate of 0.96 crore challans out of 3.57 crore issued (Annexure A-9 at pg. 80-92) further reflects the inefficiency in enforcing traffic laws. This laxity has notably positioned UP as the leading state in terms of fatalities for the years 2018, 2019, 2020, 2021, and 2022 (Annexure A-8 at pg. 73-79).

- (iv) Furthermore, the provisions of UP Act No. 4 of 2023 be held as bad in law as they create a disparity between individuals who have paid fines or penalties and those who have not, raising concerns of arbitrariness and violating the principle of equality before the law as enshrined in Article 14 of the Constitution of India; and*
- (vi) pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice."*

10. Insofar as the reliefs prayed for, referred to above, we heard the applicant appearing-in-person, Mr. Gaurav Agrawal, the learned Amicus Curiae and Ms. Ruchira Goel, the learned counsel appearing for the State of U.P. at length.

11. We also took notice of the order passed by this Court dated 17th April, 2025, which reads thus:-

"IA NO. 36566/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)"

1. It is true that a very important issue has been flagged by the applicant. Road accidents in our country are on the rise. The reasons may be different. There are cases and cases where the injured victims of road accidents do not get immediate help. There are cases where though the victims are not injured, they get trapped in the vehicles. In short, the issue raised by the applicant is about the obligation of the State to develop a machinery which will provide for a swift response in case of accidents. According to the applicant, there should be six heads of protocol which read thus:

"(a) Swift Response Protocols: To establish swift response protocols, ensuring emergency services promptly reach the scene of accident with timely reporting by the road agency and the Incharge Station House Officer of Police.

(b) Fixing Responsibility if Delayed Reporting/Action: To fix the responsibility of the concerned officer of the road agency and Police Officer in the event of delayed reporting of the fatality on the Expressways (EWs)/National Highways (NHs)/State Highways (SHs).

(c) Public Awareness Campaigns: To launch campaign time-to-time to create public awareness about the significance of promptly reporting accidents amongst road users and, for that purpose, signages/posters also be placed at adequate number of conspicuous places with helpline numbers.

(d) Emergency Contact Information: To encourage drivers to utilize emergency contact information to facilitate quick communication with the police and relevant road agency.

(e) Enhanced Patrolling and Surveillance: To

increase the frequency of patrolling teams of the concerned road agency and police stations on Expressways (EWs), National Highways (NHs) and State Highways (SHs) especially during vulnerable hours.

(f) Community Engagement: To involve local communities in reporting incidents and maintaining vigilance on expressways and highways (NHs & SHs)."

2. Though it will be difficult at this stage for this Court to issue a writ of mandamus, nevertheless, we are of the view that the States and the Union Territories must work on having Swift Response Protocols. In every State at the grassroot level, the situation may be different. We, therefore, direct the States and Union Territories to take effective steps for developing Swift Response Protocols with the object of ensuring that help immediately reaches the victim of an accident. We grant time of six months to the States and Union Territories to take appropriate action and place their responses on record.

3. At this stage, Shri Vikramjit Banerjee, learned ASG, states that the National Highways Authority of India (NHAI) has worked on this aspect. A note tendered across the Bar is taken on record. The NHAI is directed to forward the copies of its Note to the Transport Department of all the States and the Union Territories. We direct the NHAI to file an affidavit within a period of three months from today setting out the steps taken for actual implementation of the facilities which are indicated in the Note tendered across the Bar today. The States and Union Territories shall be guided by the protocol prepared by the NHAI.

IA NO. 43519/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

4. Our attention is invited by the applicant to the provisions of Section 215B of the Motor Vehicles Act, 1988 (for short, "the MV Act") which provides for constitution of a National Road Safety Board. Very important functions and duties have been assigned to the Board. However, as indicated in the 'Note for hearing on 17th April, 2025' filed by Shri Gaurav Agrawal, learned

Senior Advocate appointed as Amicus Curiae, the Board has remained only on paper as the Chairperson and Members are not being appointed. The other issue is in what manner the recommendations of the Board can be implemented. Firstly, the Board must be properly constituted. We, therefore, direct the Central Government to file an affidavit indicating the outer limit within which the Board will be properly constituted. Such affidavit shall be filed within a period of two weeks from today which shall be considered on 9th May 2025.

IA NO. 119142/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

5. This Application will require a response from the State of Uttar Pradesh. We direct the State of Uttar Pradesh to file an affidavit dealing with this Application within a period of two weeks from today which shall be considered on 9th May 2025.

6. Prima facie it appears to us that the effect of the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 2023, referred in the Application is that if a person, who has allegedly committed an offence under the MV Act, does not pay the fine, after a lapse of time, the proceedings automatically abate. The result is that the traffic offender is scot-free.

IA NO. 127111/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

7. We refer the issue raised in this Application to the Committee appointed by this Court on road safety so that the Committee can look into the same and make appropriate recommendations in that behalf.

8. The Application is disposed of accordingly.

IA NO. 127506/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

9. A very important issue is flagged by this Application. Under the provisions of Section 91 of the MV Act read with the Motor Transport Workers Act, 1961, working hours of the drivers operating transport vehicles have been limited to 08 hours in a day and 48 hours in a week. The question is of the implementation of this provision. We, therefore, direct the Ministry of Road Transport and Highways (MoRTH) of the Government of India to convene a

meeting of the concerned departments of all the States and Union Territories for working out effective methods to implement the provisions regarding working hours of the drivers operating transport vehicles. The MoRTH shall also call for the data from all the States and Union Territories regarding implementation of the provisions. The possibility of invoking the penal provisions for violating these provisions must be considered. Unless there is a deterrent, this important provision regarding working hours of the drivers cannot be implemented. All the States and Union Territories shall submit their compliance reports to the MoRTH by the end of August 2025. The MoRTH shall prepare a comprehensive report and submit to the Court. An advance copy must be supplied to the office of the learned Amicus Curiae so that appropriate directions can be issued.

IA NO. 247404/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

10. While we are not disputing the bona fides of the applicant, it is impossible for us to issue a direction that a motor vehicle cannot be registered in the name of an individual unless he has a valid driving license. Hence, the Application is rejected.

IA NO. 260997/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

11. The learned ASG states that the process of publication of Annual Report on road accidents in 2023 is going on. We grant time to the MoRTH to publish the same by the end of August 2025. We also direct the MoRTH to ensure that such annual reports are published within a period of six months from expiry of every calendar year. Only if such reports are published with promptness, the same can be useful.

12. The Application is, accordingly, disposed of.

IA NO. 278218/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

13. List on 28th April, 2025.

IA NO. 24181/2025 (APPROPRIATE ORDERS/DIRECTIONS)

14. Firstly, we will take response of the MoRTH as the learned ASG states that a portal is already developed which will take care of the issues flagged in this

Application. We grant time of two months to the MoRTH to file an affidavit placing on record the details of the working of the portal and the manner in which follow-up action has been taken on the basis of the data uploaded on the portal.

IA NO. 43387/2025 (APPROPRIATE ORDERS/DIRECTIONS)

15. List on 28th April, 2025.

IA NO. 46585/2025 (APPROPRIATE ORDERS/DIRECTIONS)

16. In our view, the suggestion made by the applicant providing for Speed Monitoring by Real-Time FASTag Data Transmission requires serious consideration. To begin with, we call upon the NHAI to respond to this Application and state on oath whether the suggestion made by the applicant - Mr. Hemant Jain can be implemented. We grant time of two months to the NHAI to respond by filing an affidavit.

IA NO. 50798/2025 (APPROPRIATE ORDERS/DIRECTIONS)

17. This issue needs a deeper consideration considering the rights of the citizens. The learned Amicus Curiae states that he will submit a detailed note on this aspect. This Application shall be considered on 9th May, 2025."

12. In pursuance of the order passed by this Court, referred to above, the State of U.P. has filed an affidavit. However, the affidavit deals only with the issues of repugnancy etc.

13. What we have been able to gather in the course of today's hearing is that the effect of the abatement of trials for the offences punishable under the Motor Vehicles Act as of 31.12.2021 is going to be drastic. All criminal proceedings pending before the Magistrates for offences under the Motor Vehicles Act stood automatically terminated. The list of offences requiring mandatory

fine/sentence/both is as under:-

Sec.	Nature of Offence	Punishment (Fine/Sentence)
177A	Violation of road regulations framed under S. 118	Mandatory Fine of not less than ₹500, and may extend to ₹1,000.
178(1) and (2)	Travelling without pass or ticket and for dereliction of duty on the part of the conductor.	Mandatory Fine up to ₹500
179	Disobedience of orders, obstruction and refusal of information	Fine ₹2,000 (first), ₹5,000 (subsequent).
180	Allowing unauthorized persons to drive vehicles.	Imprisonment up to 3 months or ₹5,000 fine or both.
181	Driving vehicles in contravention of section 3 or section 4	Imprisonment up to 3 months or ₹5,000 fine or both.
182(1)	Offences relating to licenses	Mandatory Imprisonment up to 3 months or ₹10,000 fine or both.
182A(1)	Punishment for offences relating to construction and maintenance, sale and alteration of motor vehicles and components.	Imprisonment up to 1 year and/or fine up to ₹1 lakh or both per vehicle.
183(1) (i) (ii)(iii)	Over-speeding (LMV/HGV)	Light Motor Vehicle (LMV)- Mandatory fine of Light Motor Vehicle (LMV)- Mandatory fine of ₹1,000 up to ₹2,000; Heavy Passenger Vehicle (HPV) or Heavy Goods Vehicle (HGV) not less than ₹2,000 up to ₹4,000; for second for subsequent

		offence- mandatory impoundment of driving license (DL).
184	Driving dangerously	For first offence: mandatory imprisonment upto 1 year but not less than 6 months or with fine not less than ₹1000 upto ₹5,000 or both; For second and subsequent offence: within 3 months from the previous similar offence, mandatory imprisonment upto 2 years or fine of ₹10,000 or both.
185	Driving by drunken person or by a person under the influence of drugs	For first offence: mandatory imprisonment upto 6 months or fine ₹10,000 or both; For second or subsequent offence: mandatory imprisonment upto 2 years or ₹15,000 or both.
186	Driving when mentally or physically unfit to drive	Mandatory fine up to ₹1000 and for a second or subsequent offence fine up to ₹2000.
187	Punishment for offences relating to accident	For first offence, mandatory fine up to ₹1000 or a second or subsequent offence mandatory fine up to ₹2000.
189	Racing and trails of speed	Mandatory punishment up to 3 months or fine of ₹5000/- or both and for a subsequent offence, imprisonment up to 1 year or fine of ₹10,000/- or with both.
190(1) (2)	Using vehicle in unsafe condition	(1) Mandatory fine of ₹1,500/- and in other condition imprisonment

		up to 3 months or fine of ₹5000/- or both. (2) One who violates the standards prescribed in relation to road safety, control of noise and air pollution- mandatory punishment for first offence up to 3 months or with fine up to ₹10,000/- or both.
192(1)	Using vehicle without registration	Mandatory fine up to ₹5000/- but not less than ₹2000/- and for second or subsequent offence imprisonment up to 1 year or fine up to ₹10,000/- but not less than ₹5000/- or both.
192A(1)	Using vehicle without permit	For first offence, mandatory punishment upto 6 months, fine of ₹10,000/- or both and for second offence, imprisonment upto 1 year but not less than 6 months or with fine of ₹10,000/ or both.
193(1)	Punishment of agents and canvassers without proper authority	For first offence, mandatory fine of ₹1,000/- and for second or subsequent offence, imprisonment upto 6 months or with fine of ₹2,000/- or both.
194(1)	Driving vehicle exceeding permissible weight	Mandatory fine of ₹20,000/- and an additional amount of ₹2,000/- per tonne of excess load with liability to pay charges for off-loading of the excess load.
194A	Carriage of excess passengers	Mandatory fine of ₹2,000/- per excess

		<i>passenger.</i>
194B	<i>Use of safety belts and the seating of children.</i>	<i>Mandatory fine of ₹1,000/-</i>
194C	<i>Penalty for violation of safety measures for motor cycle drivers and pillion riders.</i>	<i>Mandatory fine of ₹1,000/-</i>
194D	<i>Penalty for not wearing protective headgear.</i>	<i>Mandatory fine of ₹1,000/-</i>
194E	<i>Failure to allow free passage to emergency vehicles.</i>	<i>Mandatory imprisonment up to 6 months or fine of ₹10,000/- or both.</i>
194F	<i>Use of horns and silence zones.</i>	<i>Mandatory fine of ₹1,000/- and for second or subsequent offence- a fine of ₹2,000/-</i>
196	<i>Driving uninsured vehicle</i>	<i>For first offence, mandatory punishment upto 3 months or fine of ₹2,000/- or both and for a subsequent offence punishment upto 3 months or fine of ₹4,000/ or both.</i>

14. However, the matter of concern is that there are certain offences which are non-compoundable. The list of those non-compoundable offences is as under:-

<i>Sl.No.</i>	<i>Sections</i>	<i>Offences</i>
<i>1</i>	<i>184(a)</i>	<i>Jumping of red light</i>
<i>2</i>	<i>184(b)</i>	<i>Violating a stop sign</i>
<i>3</i>	<i>184(d)</i>	<i>Passing or overtaking other vehicles in a manner contrary to law</i>

4	182A(2)	<i>Offence relating to licenses</i>
5	185	<i>Driving by a drunken person or by a person under the influence of drugs</i>
6	187	<i>Punishment for offences relating to accident</i>
7	188	<i>Punishment for abatement of certain offences</i>
8	190(1)(3)	<i>Using vehicle in unsafe condition</i>
9	192B(1)&(2)	<i>Offences relating to registration</i>
10	193	<i>Punishment of agents, canvassers and aggregators without proper authority</i>
11	197	<i>Taking vehicle without authority</i>
12	198A	<i>Failure to comply with standards for road design construction and maintenance</i>
13	199A	<i>Offences by juveniles</i>

15. We are worried about one aspect of this Amendment brought into force by the State of U.P. and i.e., deterrence. Traffic offences, or to put it in other words motor offences relating to Motor Vehicles may appear to be minor in nature, but some of the offences may assume its own significance, say, for instance Section 185. Section 185 makes driving by a drunken person or by a person under the influence of drugs an offence. It is a non-compoundable offence. If it is a non-compoundable offence, we wonder how could the State bring around an amendment and in one go tell the court concerned that the proceedings have stood abated. This means that the person who was booked for the offence of driving in a drunken

condition or under intoxication goes scot-free. It is possible that such case may be pending past 5 years, however, should that by itself justify abatement of the proceedings.

16. Abatement of proceedings in one shot would take away the sting of deterrence insofar as such offences are concerned. At this stage, we must record one argument canvassed on behalf of the State. The learned counsel would submit that take for instance, a driver of a truck knocks down a scooterist or a pedestrian in a drunken condition or under the influence of drugs, then, over and above, the offence under Section 185 of the Motor Vehicles Act there would be a charge for one of the offences under the IPC and in such cases the amendment would not be applicable.

17. The aforesaid illustration is hardly a justification to support such Amendment Act.

18. It would be too much to say that Section 185 proceedings would be dropped and the concerned person would be prosecuted for Section 279 or Section 304A of the IPC, as the case may be.

19. It is debatable that if the court drops any offence under the Motor Vehicles Act whether the same would have any legal implications on the prosecution of a person insofar as the IPC offences is concerned.

20. Section 185 of the Motor Vehicles Act is just one illustration. There are so many other offences we have taken notice of which have stood abated by virtue of the Amendment Act.

21. In a country like India, traffic is a big problem. Regulation of traffic is a big challenge in major cities including towns. Citizens are not so disciplined insofar as abiding by the traffic Rules and Regulations is concerned.

22. In such circumstances, there has to be some deterrence so that a check remains on people indulging in offences relating to Motor Vehicles Act, more particularly, the youngsters.

23. The consequences, in this regard, would be extremely grave. This is an age of highly powerful cars, and it is a matter of common experience how accidents are being caused because the drivers are unable to control these powerful cars.

24. Having regard to all the circumstances referred to above and in view of what has been discussed today in the Court, we want the Secretary of the Legal Department, State of Uttar Pradesh as well as the Secretary of the Transport Department of the State of Uttar Pradesh to file an affidavit justifying section-wise abatement of the proceedings.

25. If we may not sound very harsh, this Amendment Act should not

be in the form of a step to eradicate the arrears of pending cases in different courts of the State of U.P.

26. Let appropriate affidavits be filed within a period of six weeks from today.

27. In I.A. No.288062 of 2025 for directions, the following reliefs have been prayed:-

"9.1 Geospatial Mapping of Pedestrian Networks

To undertake geospatial mapping of the entire pedestrian network within their respective jurisdictions, clearly identifying existing footpaths and missing links, with the objective of establishing a continuous and connected footpath network.

9.2 Preparation of Master Pedestrian Plans

To prepare comprehensive City-Wide Master Pedestrian Plans, as a necessary first step towards establishing footpaths that are continuous and connected – just like roadways and railways – as provided under Standard 6.1.2 of IRC:103-2012 and other relevant and applicable provisions;

9.3 Multi-Functional Zones and Integration of Street Vendors

To ensure that such Plans include multi-functional zones which integrate hawkers' activities as part of the footpath design, to prevent encroachment & conflict, so that vending and pedestrian movement coexist safely and lawfully, consistent with Para 6.10 and 6.11 of IRC:103-2012 and the provisions of the Street Vendors (Protection of Livelihood & Regulation of Street Vending) Act, 2014;

9.4 Phased Implementation and Accountability Framework

To formulate a phased implementation schedule under such Master Pedestrian Plans, setting out clearly defined agency responsibilities, dedicated annual budgets, and periodic progress audits to ensure coordinated and time-bound execution;

9.5 Compliance by the BMC

To direct the Brihanmumbai Municipal Corporation (BMC) in particular to:

(i) prepare and publish a geospatially mapped digital inventory of all existing and missing footpaths in Mumbai, in accordance with its Universal Footpath Policy, issued under Circular No. ChE/314/Roads & Traffic dated 26.05.2023; and

(ii) submit a bi-annual compliance report before this Hon'ble Court or such monitoring body as may be appointed".

28. Issue notice on the applications for directions (I.A. No.288062 of 2025) as well as intervention (IA No. 288063/2025), returnable in four weeks. However, the record attached with the IA No. 288063/2025- for intervention be kept with the main matter.

29. On the oral request of Mr.Sunil Ahya, the learned counsel appearing for the Intervenor, "Brihanmumbai Municipal Corporation" be impleaded as one of the Respondent.

30. Cause title be amended accordingly.

31. We request Mr. Gaurav Agrawal, the learned Amicus Curiae to look into these IAs and assist us on the next date of hearing.

32. List on 22.01.2026.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)