

ITEM NO.19

COURT NO.7

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.295/2012

S. RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & 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. 119831/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 77921/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION & IA No. 43519/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 13-05-2026 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. Gaurav Agrawal, Sr. Adv. (Amicus)
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Mr. Vinodh Kanna B, Adv.

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Mr. Shivam Nagpal, Adv.
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Mr. Sanjay Jain, AOR

Ms. Devina Sehgal, AOR
Mr. Srikanth Varma Mudunuru, Adv.

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

1. We heard Mr. Gaurav Agrawal, the learned *Amicus* - applicant appearing-in-person, Mr. Vikramjit Banerjee, the learned Additional Solicitor General appearing for the Union of India and Ms. Ruchira Goel, the learned counsel appearing for the State of Uttar Pradesh.
2. Interim Application No.119831/2025 is with respect to Vehicle Tracking System Devices.
3. Interim Application No.77921/2024 is with respect to Speed Limiting Device/Speed Governor.
4. Interim Application No.43519/2024 is with respect to National Road Safety Board and the Interim Application No.119142/2024 is

with respect to challenging the legislation passed by the State of U.P. by which all prosecutions under the Motor Vehicles Act, 1988 stood abated prior to the cut-off date.

5. We first take up the Vehicle Tracking System issue.

6. The learned Amicus brought to our notice Rule 125H of the Central Motor Vehicles Rules, 1989. Rule 125H has a provision of "vehicle location tracking device" and "emergency button". This provision has its own importance.

7. The learned Amicus also took us to the definition of the expression public vehicle as defined under Section 2(35) of the Act, 1988.

8. He also brought to our notice that the Motor Vehicles (Vehicle Location Tracking Device and Emergency Button) Order, 2018 has been issued by the Central Government in respect of equipping or fitment of vehicle location tracking device and emergency button in all public service vehicles vide Notification No.S05453(E) dated 25-10-2018.

9. Our attention was also drawn to one Order passed way back in 2018 which is a Reportable Order titled "S. Rajaseekaran v. Union of India" (2018) 13 SCC 516, wherein this Court took notice of the fact that the Ministry of Road Transport and Highways has already notified mandating the fitment of vehicle location tracking device in all public service vehicles, subject to some exceptions. This notification is dated 28th November, 2016.

10. The learned Amicus gave us more than a fair idea as to why vehicle location tracking device is something very important and the Union as well as all the State Governments should pay attention to.

11. The VLTD helps in timely emergency response as under:

i) Real-Time Location Monitoring:

a) How it works: The VLTD uses GPS (Global Positioning System) to constantly transmit the vehicle's location to a Central Command and Control Centre (CCC) operated by the government or a licensed agency.

b) Impact: In case of an emergency (e.g., abduction, hijacking, medical distress), authorities can instantly pinpoint the exact location of the vehicle – even if the driver tries to mislead.

- ii) Integrated Emergency (Panic) Button:
 - a) *Passenger access: Every public vehicle fitted with a VLTD is also required to have emergency buttons accessible to passengers.*
 - b) *Trigger response: When pressed, this button sends an instant alert, along with the real-time location, to the control room.*
 - c) *Action taken: Police control rooms or women safety command centers (like those set up under the Nirbhaya Fund) receive the alert and dispatch help immediately, often informing nearby patrol units.*

- iii) Route Deviation Alerts:
 - a) *Passenger access: Every public vehicle fitted with a VLTD is also required to have emergency buttons accessible to passengers.*
 - b) *Trigger response: When pressed, this button sends an instant alert, along with the real-time location, to the control room.*
 - c) *Action taken: Police control rooms or women safety command centers (like those set up under the Nirbhaya Fund) receive the alert and dispatch help immediately, often informing nearby patrol units.*

- iv) Speed and Halt Monitoring:
 - a) *VLTDs allow control centers to monitor the speed of the vehicle and any suspicious halts in deserted or red-flagged areas.*
 - b) *This is especially useful at night or in high-risk zones, allowing preemptive or rapid action.*

- v) Helps in Quick Dispatch of Nearest Response Unit:
 - a) *Integration with GIS systems and city surveillance enables the system to automatically identify the nearest police vehicle or emergency service unit.*
 - b) *This reduces response time drastically, improving chances of rescue or averting escalation of a dangerous situation.*

- vi) Evidence Collection and Post-Incident Analysis
 - a) *In case of an incident (e.g., harassment, accident, or criminal activity), data logs from VLTDs serve as evidence:*
 - b) *Vehicle speed, stops, and routes taken*
 - c) *Time of emergency button press*
 - d) *Driver's response time*
 - e) *This assists in investigation, accountability, and deterrence.*

- vii) Public Confidence and Deterrence:

- a) *Knowing that a vehicle is being actively tracked and monitored in real time instills confidence in passengers, particularly women and senior citizens.*
- b) *At the same time, it acts as a deterrent to drivers or miscreants planning to misuse the vehicle.*

viii) *Real-World Example Under the Nirbhaya Framework:*

- a) *States like Delhi, UP, Karnataka, and others have set up state-level command centers.*
- b) *100+ incidents have been resolved timely due to the alerts sent by panic buttons and location tracking.*

ix) *Life Savings System:* *Vehicle Location Tracking Devices are not mainly regulatory tools - they are life-saving systems. They transform passive public transport into actively monitored safe zones, allowing swift emergency response, crime deterrence, and data-driven safety interventions.*

12. In the note provided by the learned Amicus, the initiatives taken by MoRTH are as under:-

7. Ministry of Road Transport & Highways [MoRTH] has mandated installation of vehicle location tracking devices and emergency buttons for new public service vehicles (PSV) registered on and after 1st January, 2019 under Rule 125H of the Central Motor Vehicles Rules, 1989 vide notification GSR 1095(E) dated 28th November, 2016 and further amendments vide notification dated 25th October, 2018 and 23rd October, 2019. Government of India has approved a scheme, namely "Development Customization, Deployment and Management of State-wise vehicle Tracking Platform for Safety & Enforcement as per AIS 140 Specifications", in States/ UTs under Nirbhaya Framework on 15th January, 2020."

13. The learned Amicus also gave us a fair idea about the legal consequences of non-compliance with Rule 125H:

8. *Failure to comply with Rule 125H attracts statutory penalties:*
- i) *Section 190(2) of the Motor Vehicles Act: fine up to ₹10,000 and imprisonment for using a non-compliant vehicle.*
 - ii) *Section 182A(4): penalty up to ₹1,00,000 for manufacturers/dealers delivering non-compliant vehicles.*
 - iii) *Section 207: power to detain and impound vehicles violating the rules.*

14. The note also talks about the recent developments as highlighted by MoRTH in their affidavit. The same reads thus:-

"In view of low activation and enforcement of Vehicle Location Tracking Devices in PSV and National Permit vehicles, MoRTH has also taken enforcement oriented measures in Vahan portal during registration, fitness PUC and permit stage. In this regard MoRTH issued letter dated 19.12.2025 addressed to all States/UTs for strict enforcement in compliance to CMVR rules by State/UTs. Accordingly, following measures are being taken by the MoRTH:-

- i) Mandatory enforcement of rule 125H is being enforced through Vahan w.e.f. 01.01.2026;
- ii) In majority of States/UTs the mandatory check regarding status of vehicle location tracking devices on Vahan for obtaining National Permit is being enforced from 01.04.2026.
- iii) In 10 States/UTs the mandatory check regarding status of Vehicle Location Tracking Devices on Vahan for obtaining National Permit is being enforced from 01.05.2026 as confirmed by National Informatics Centres (NIC).
- iv) In 5 States, the mandatory check of Vehicle Location Tracking Devices will be enforced after the revocation of Model code of Conduct for Assembly Elections 2026.

15. However, what is disturbing is the fact that less than 1% of transport vehicles have this vehicle location tracking device. This vehicle location tracking device is something which would ensure the safety of passengers, more particularly, women, elderly persons and children.

16. In view of the aforesaid, we direct the following:

1. all the State Governments and Union Territories to strictly enforce Rule 125H of the Rules, 1989 (CMVR) by ensuring installation of vehicle location tracking devices (VLTD) and panic buttons in a time-bound and verifiable manner in both new and existing public service vehicles.

2. We direct the State Governments/UTs that no public service vehicle be granted a fitness certificate under Section 56 or permit under Section 66 of the MV Act without verified installation of vehicle location tracking device (VLTD) and emergency buttons and its reflection in vahanapp.

(3) We also direct all the States/UTs to ensure retrofitting of VLTDs and panic buttons in public service vehicles registered up to 31-12-2018 in line with the underlying objective of Rule 125H of the CMVR, so as to enhance the

safety of the passengers in view of the proviso to Rule 125H of the CMVR.

(4) We also direct all States/UTs to ensure integration of VLTD installation and functionality with the Vahan database for real-time compliance monitoring.

17. At this stage, the learned Amicus and the applicant brought something important to our notice. The suggestion is that this device should be provided by the manufacturer itself. In other words, when a vehicle is being manufactured, it should provide a pre-fitted vehicle location device. We welcome this suggestion. However, the Union will have to undertake some interaction in this regard with the manufacturers across the country.

18. We direct the Union to undertake this exercise of having an interaction with the manufacturers and come back to us with an appropriate report in this regard.

19. We now look into the issue of speed limiting device/speed governor.

20. The learned Amicus took us through Rule 118 of the Central Motor Vehicles Rules, 1989 which provides for speed governor. Thereafter, the learned Amicus brought to our notice that the Supreme Court Committee on Road Safety (SCCORS) had addressed a letter dated 11-4-2017 to the Principal Secretaries Transport/Transport Commissioners of all the States/UTs, *inter alia* asking them to do the following:

"3. The Committee has considered the representations and desires that all the States/UTs should follow the directions listed below in order to ensure that the SLDs serve the purpose for which they are intended:-

- i) The SLD should be type approved by any one of the testing agencies specified under Rule 126 of Central Motor Vehicle Rules, 1989.
- ii) The SLD fitted in the model of the vehicle should have been type approved for that particular model.
- iii) Each SLD manufacturer is required to take the following steps at the time of installing SLD in a vehicle-
 - a) A Unique Identification Number should be generated

- for the SLD installed in each vehicle.*
- b) *Unique Identification Number of the SLD should be uploaded in the Vahan data along with details of the vehicle such as chassis number, engine number etc.*
 - c) *The Registration Number of the vehicle should be engraved on the SLD to ensure that the same SLD is not used in another vehicle.*
 - d) *The SLD installed in a vehicle should be sealed at the time of installation.*
- iv) *In the event the above directions are not strictly implemented during the installation of SLD, the approval certificate granted to the manufacturer should be withdrawn, in the event the SLD is tampered with, the fitness certificate should not be issued for the vehicle.*

xxx xxx xxx

- 6) *The State should submit quarterly reports to the Committee on the number of vehicles which came for fitness certification and the number of vehicles which failed to comply with the above directions"*

21. The learned Amicus also brought to our notice one order passed by this Court dated 30th November, 2017 Reported in (2018) 13 SCC 516. In this Order, more particularly in para 17, this Court recorded that guidelines have been issued by MoRTH insofar as speed governors are concerned. The Court also noted that MoRTH had agreed to upload the unique identification number of the speed governors in the Vahan database. The Court ultimately directed that MoRTH should follow it up with expedition.

22. In the aforesaid context, our attention was also drawn to the advisories by MoRTH. Thereafter, our attention was drawn to the Order of this Court dated 9th April, 2025. The note provided by the learned Amicus also talks about the compliance report of the Union of India dated 23rd March, 2026. Some Reports have also been received from eight States.

23. The learned Amicus has also given us a fair idea about the Reports received from eight States as regards due compliance of Rule 118.

24. We take serious notice of the fact that most of the States/UTs have not filed their reports.

25. By the next date of hearing, we want all the States/UTs to

place their reports on record.

26. In view of the aforesaid, we are of the view that all manufacturers are duty bound to fit SLDs at the time of manufacture

27. In view of the aforesaid, we issue the following directions:

1. the State Governments shall file a fresh comprehensive affidavit by the next date of hearing setting out the SLD compliance data, duly supported by verified Vahan/Parivahan portal statistics, including total transport vehicles per State/UT, number fitted with SLDs, and percentage compliance.

2. The learned Amicus has suggested that the following directions may also be issued:

- i) *The State Governments may file a fresh comprehensive affidavit weeks setting out SLD compliance data, duly supported by verified VAHAN/Parivahan portal statistics, including total transport vehicles per State/UT, number fitted with SLDs, and percentage compliance.*
- ii) *All State Governments/Uts may consider whether failure to comply with the Rule 118 mandate should result in denial of fitness certificates under Section 56 of the MV Act in view of Section 62A(2) of the Act. And whether the vehicle registration can be suspended under Section 53 of the MV Act.*
- iii) *All State/UT Governments may enforce SLD functionality verification through the VAHAN portal at the time of vehicle registration, fitness testing, and PUC issuance/renewal, including tamper detection and speed setting verification as per AIS 018 standards. The fitness certificate and PUC formats shall be amended to include a mandatory field for 'Speed Limiting Device Status' similar to the measure outlined in circular dt. 19.12.2025 of MoRTH relating to vehicle location tracking device (VLTD).*
- iv) *State Governments/Uts may be directed to give a time bound action plan to ensure compliance through technology-based enforcement using ANPR cameras and FASTag data to identify non-compliant transport vehicles,*
- v) *MoRTH may formulate and place before this Court a time-bound national action plan with measurable targets and a monitoring mechanism for achieving 100% compliance with Rule 118 of the CMVR within a specified timeframe.*

28. However, we want the Union to look into these suggestions of the learned Amicus and revert by the next date of hearing.

29. Insofar as asking the manufacturers to fit SLDs at the time of manufacturing/delivery of the transport vehicle is concerned, we

want the Union to have a meeting with the manufacturers in this regard also and file an affidavit of the Secretary MoRTH.

30. Insofar as the National Road Safety Board is concerned, our attention was drawn to an Order passed by this Court dated 14th May, 2025.

31. The same reads thus:

"6. In terms of the order dated 17th April, 2025 passed by this Court, the Government of India has filed an affidavit seeking time of 09 months to constitute the National Road Safety Board. We fail to understand why the Government of India needs such a long time to implement Section 215B of the Motor Vehicles Act, 1988. We grant time of 06 months from today to the Government of India to ensure that the National Road Safety Board is constituted. No further time shall be granted."

32. Unfortunately, though time of six months was granted way back on 14th May, 2025, the Board has not yet been constituted.

33. We grant one last opportunity to constitute this Board.

34. Let the Board be now constituted within a period of three months from today.

35. We take notice of the fact that the National Road Safety Board Rules, 2025 have already been framed. The Notification is also on record.

36. We take serious notice of the fact that past six years, we have been debating on this issue of Constitution of the Board but till this date, the same has not been constituted.

37. Insofar as challenge to the Legislation passed by the State of Uttar Pradesh by which all prosecutions under the Act, 1988 stood abated prior to the cut-off date, we take notice of the Ordinance issued by the State Government dated 8th April, 2026.

38. The same reads thus:

*"No. 92(2)/LXXIX-V-1-2026-2-ka-9-2026
Dated Lucknow, April 8, 2026"*

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Dand Vidhi (Apradhon Ka Shaman Aur Vicharon Ka Upshaman) (Sanshodhan) Adhyadesh, 2026 (Uttar Pradesh Adhyadesh Sankhya 9 of 2026) promulgated by the Governor. Grih (Police) Anubhag-9 is administratively concerned with the

said Ordinance.

THE UTTAR PRADESH CRIMINAL LAW (COMPOSITION OF OFFENCES AND ABATEMENT OF TRIALS) (AMENDMENT) ORDINANCE, 2026
(U.P. ORDINANCE NO. 9 OF 2026)

[Promulgated by the Governor in the Seventy-seventh Year of the Republic of India)

AN

ORDINANCE

further to amend the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 1979.

WHEREAS the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance:-

1. This Ordinance may be called the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Ordinance, 2026.

2. In sub-clause (i) of clause (a) of sub-section (1) of Section 9 of the Ansesent Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 1979, for the words and figures "the Motor Vehicles Act, 1988; or", the words and figures "the Motor Vehicles Act, 1988, not bring such offence which is non-compoundable. for which mandatory imprisonment is provided, or which falls within the category of a repeat offence; or" shall be substituted."

39. What we have been able to understand on plain reading of the Ordinance is that all those cases registered in the past which were non-compoundable or where mandatory imprisonment is provided or those offences which would fall within the category of repeat offence and all those stood abated by virtue of the Amendment Act, are now to be revived.

40. We are of the view that some deliberations are required in this regard.

41. Ms. Ruchira Goel, the learned counsel appearing for the State of UP shall give us some information in this regard, more particularly, how many such cases would stand revived and what would be the modalities to take care of all those cases.

42. We shall look into this issue on the next date of hearing.

43. The learned *Amicus* submitted that he is in receipt of four new interim applications, the details whereof are as under:-

(a) IA No.33035/2021 (Re-Electronic monitoring of road safety)

(b) IA No.278218/2024 (Re-Vehicles without third party insurance)

(c) IA No.233571/2025 (Re-Accidents due to Overloading of vehicles)

(d) IA No.288062/2025 and IA No.106628/2026 (Re-lack of footpaths in Mumbai)

44. The learned *Amicus* may look into those interim applications and assist us on the next date of hearing. The four interim applications shall be notified for hearing on 3-9-2026.

45. We also take this opportunity to remind the Union of India of our direction as contained in Para 35.6 of the Order dated 7-10-2025.

46. The same reads thus:-

"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."

47. We are informed that there is no further progress insofar as the aforesaid is concerned.

48. We request Mr. Banerjee to personally look into this and see to it that something substantial is done at the earliest.

49. Insofar as IA No.288062 of 2025 is concerned, the Union shall file an appropriate reply by the next date of hearing.

50. We want Union of India to file a comprehensive report highlighting in what manner all our directions have been complied with or looked into.

51. Post this matter on 3-9-2026.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)