

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN  
&  
THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.**

**Tuesday, the 16<sup>th</sup> day of June 2026 / 26th Jyaishta, 1948  
WP(C) NO. 25129 OF 2024(S)**

**SUO MOTU**

**RESPONDENTS:**

- 1. UNION OF INDIA, REPRESENTED BY THE SECRETARY (ROAD, TRANSPORT AND HIGHWAYS), MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAWAN, 1, PARLIAMENT STREET NEW DELHI, PIN - 110001**
- 2. THE SECRETARY, MINISTRY OF FINANCE, DEPARTMENT OF EXPENDITURE, ROOM NO. 74-B, NEW DELHI, PIN - 110001**
- 3. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**
- 4. THE SECRETARY TO GOVERNMENT, TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**
- 5. THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE, 2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O, THIRUVANANTHAPURAM, PIN - 695014**
- 6. THE STATE POLICE CHIEF, POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM PIN - 695014**
- 7. THE HOME SECRETARY, MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA, IS-II DIVISION, 2ND FLOOR, MAJOR DHYAN CHAND NATIONAL STADIUM, NEW DELHI - 110 001. [ADDL. R7 IS IMPEADED AS PER ORDER DATED 30.07.2024 IN WP(C) 25129/2024]**

**This Suo Motu writ petition coming again on for orders upon perusing the petition, this Court's order dated 21/05/2026 and upon hearing the arguments of SRI.C.DINESH, CENTRAL GOVERNMENT COUNSEL & SRI.N.S.DAYASINDHU SHREE HARI, SENIOR PANEL COUNSEL for R1, R2 & ADDL.R7 and of SRI. S. RAJMOHAN, SENIOR GOVERNMENT PLEADER & SRI. P.SANTHOSH KUMAR, SPECIAL GOVERNMENT PLEADER for R3 to R6, the court passed the following:**

**P.T.O.**

**ANIL K. NARENDRAN & MURALEE KRISHNA S., JJ.**

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**W.P.(C)No.25158 of 2024 and W.P.(C)No.25129 of 2024**  
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**Dated this the 16<sup>th</sup> day of June, 2026**

**ORDER**

**Anil K. Narendran, J.**

**W.P.(C)No.25158 of 2024**

On 21.11.2025, when this writ petition came up for consideration, this Court passed a detailed order - **Suo Motu v. Union of India [2025 KHC OnLine 1277 : 2026 (1) KHC SN 2]**. The order dated 21.11.2025 shall be read as part of this order.

2. In **Avishek Goenka (1) v. Union of India [(2012) 5 SCC 321]**, a Two-Judge Bench of the Apex Court, in the context of Rule 100 of the Central Motor Vehicles Rules, 1989, which deals with safety glass, after taking note of the provisions contained in the Motor Vehicles Act, 1988, and the Central Motor Vehicles Rules, 1989, relating to lighting and light-signalling devices and retro-reflectors, found that the said Rules deal with every minute detail of construction and maintenance of a vehicle. In other words, the standards, sizes and specifications which the manufacturer of a vehicle is required to adhere to while manufacturing the vehicle are exhaustively dealt with under the Rules. What is permitted has been specifically provided for, and what has not been specifically stated would obviously be deemed to have been excluded from these Rules. It would neither be permissible nor possible for the Court to read into these statutory provisions what is not

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specifically provided for.

3. In **Suo Motu v. Union of India [2026 (1) KHC SN 2]**, after referring to the safety standards in AIS-008 - Installation Requirements of Lighting and Light-Signalling Devices for Motor Vehicle having more than Three Wheels including Quadricycles, Trailer and Semi-Trailer excluding Agricultural Tractors, with the amendments made thereto, i.e., AIS-008 (Rev.2), this Court held that, in view of the law laid down by the Apex Court in **Avishek Goenka (1) [(2012) 5 SCC 321]**, every motor vehicle, including transport vehicles, shall be fitted with the lighting, light-signalling devices and retro-reflectors which are specifically provided for in the Central Motor Vehicles Rules and the relevant safety standards in AIS-008, AIS-052, etc. What has not been specifically stated in the said Rules and the safety standards would obviously be deemed to have been excluded from those Rules/safety standards. Therefore, no motor vehicle, including a transport vehicle, can be fitted with lighting, light-signalling devices and retro-reflectors, which are not specifically provided for in the Central Motor Vehicles Rules and the relevant safety standards. The use of such a motor vehicle in a public place without complying with the provisions under said Rules and the relevant safety standards is likely to endanger the safety of other road users. [See: Paras.32 to 39 of the order dated 21.11.2025] By invoking the provisions under Rule 334 of the Kerala Motor Vehicles Rules, 1989, the State Government cannot exempt a motor vehicle or

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class of motor vehicles from the installation requirements of lighting, light-signalling devices and retro-reflectors in a motor vehicle, specifically provided in Chapter V of the Central Motor Vehicles Rules, 1989, or the relevant safety standards in AIS-008, AIS-052 - Code of Practice for Bus Body Design and Approval, etc. [See: Paras.40 to 45 of the order dated 21.11.2025]

4. In **Suo Motu v. Union of India [2026 (1) KHC SN 2]**, this Court noticed that, in view of the provisions under Regulation 3 of the Motor Vehicles (Driving) Regulations, 2017, made by the Central Government, in exercise of the powers conferred by Section 118 of the Motor Vehicles Act, 1988, no vehicle shall be driven, stopped or parked on a road or in a public place in such a manner as is likely to endanger the safety of or cause inconvenience to other road users. As per clause (3) of Regulation 5, the driver shall at all times maintain a good lookout and concentrate on the road and traffic and avoid any activity which distracts or is likely to distract his attention. As per clause (10) of Regulation 5, the driver shall ensure that loud music is not played in the vehicle. As per clause (11) of Regulation 5, the driver shall not watch digital motion pictures or videos while driving, except where required for route navigation. As per sub-regulation (1) of Regulation 31, the driver shall use the specified lighting devices at nightfall and at dawn, and at other times when visibility is poor. [See: Paras.47 to 53 of the order dated 21.11.2025]

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5. In **Suo Motu v. Union of India [2026 (1) KHC SN 2]**, this Court held that, in view of the provisions contained in AIS-052, 'cab lamp' or 'courtesy lamp' fitted in the driver cabin above the head of the driver is for lighting up the dashboard area and the inside driver cabin, which is meant for operation while the bus is stationary [para 1.1.49]. Similarly, 'passenger area lamps' provided in the passenger compartment are for lighting up the passenger area and assist the passenger in identifying objects and reading the printed matter [para 1.1.55]. The 'driver cabin' or 'passenger compartment' of a contract carriage or stage carriage governed by AIS-052 cannot be fitted with unauthorised multi-coloured LED lights, neon lights, laser lights, flashlights, etc., flouting the safety standards contained in AIS-052, in order to convert the passenger compartment into a dancing floor. [See: Paras.63 to 64 of the order dated 21.11.2025]

6. In **Suo Motu v. Union of India [2026 (1) KHC SN 2]**, this Court held that, in view of the provisions contained in Rule 286 of the Kerala Motor Vehicles Rules, 1989, every vehicle shall be furnished with one or more electric lights adequate to give reasonable illumination throughout the passenger compartment or compartments, but of such power or so screened as not to impair the forward vision of the driver. As per the proviso to Rule 286 of the Kerala Motor Vehicles Rules, the internal lighting in buses that are registered on or after 01.10.2017 shall be in accordance with AIS-052 (Rev.1) - 2008 as amended from time

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to time. Therefore, even in the case of a contract carriage or stage carriage registered before 01.10.2017, the internal lighting for the purpose of providing reasonable illumination throughout the passenger compartment. Therefore, the passenger compartment of a contract carriage cannot be fitted with continuously blinking multi-coloured LED lights, laser lights, etc., in order to convert it to a dancing floor. [See: Para.65 of the order dated 21.11.2025]

7. In **Suo Motu v. Union of India [2026 (1) KHC SN 2]**, at paragraph 55 of the order dated 21.11.2025, this Court has referred to the order dated 07.10.2025 of the Apex Court in W.P.(C)No.295 of 2012 - **S. Rajaseekaran v. Union of India [2025 SCC OnLine SC 2191]**, wherein the Apex Court noticed 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 a 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. Therefore, the Apex Court ordered that a complete ban on unauthorised red-blue strobe flashing lights and illegal hooters shall be enforced through seizure, market crackdowns, and

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penalties.

8. In **Suo Motu v. Union of India [2026 (1) KHC SN 2]**, at paragraph 67 of the order dated 21.11.2025, this Court issued directions to the Enforcement Wing of the Motor Vehicles Department and the Police to ensure strict compliance of the directions contained in the orders of this Court, in letter and spirit, to ensure the safety of the road users, including pedestrians. In paragraph 61 of the order dated 21.11.2025, this Court directed the Transport Commissioner, Kerala, to submit a report before this Court on the use of motor vehicles on public places, openly flouting the safety standards, as borne out from the video clippings referred to in paragraphs 57 and 58 of that order.

9. On 21.05.2026, when this writ petition came up for consideration, the learned Special Government Pleader submitted that some more time is required to submit the report of the Transport Commissioner, Kerala, in terms of the directions contained in paragraph 61 of the order dated 21.11.2025 and also on the use of motor vehicles in public place, which are fitted with fire-spitting exhaust, exhaust systems emitting fumes and loud sound, etc., as noted in paragraph 12 of the order dated 12.03.2026.

10. Today, when this matter is taken up for consideration, the learned Senior Government Pleader would submit that the action taken report of the 4<sup>th</sup> respondent Transport Commissioner in terms of the directions contained in the orders of this Court dated 21.11.2025 and

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12.03.2026 is placed on record on 02.06.2026 and that an investigation report regarding the accident that occurred at Valparai 13<sup>th</sup> hairpin, prepared by the Motor Vehicle Inspector, Regional Transport Office (Enforcement), Palakkad, is also placed on record on 02.06.2026.

11. List on 30.06.2026.

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12. On 30.07.2024, when this writ petition came up for consideration, this Court passed a detailed order. The said order was followed by the detailed orders dated 14.03.2025 and 23.10.2025.

13. In the order dated 30.07.2024, after referring to the provisions contained in the State Emblem of India (Prohibition of Improper Use) Act, 2005, the State Emblem of India (Regulation of Use) Rules, 2007, the Flag Code of India, 2002, the Naval Ceremonial, Conditions of Service and Miscellaneous Regulations, 1963 and also Rule 92A of the Kerala Motor Vehicles Rules, 1989, this Court held that the display of flags, emblems, star plates, etc. are not legally permissible in any vehicles other than those carrying constitutional authorities and other dignitaries specified in Schedule II, Part I and Part II of the State Emblem of India (Regulation of Use) Rules, 2007, the dignitaries specified in clauses (1) to (7) of paragraph 3.44 of the Flag Code of India, 2002 and Senior Officers of Indian Army, Indian Air Force, Coast Guard, etc. as specified under the provisions of the Naval Ceremonial, Conditions of Service and Miscellaneous Regulations, 1963

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and similar provisions made by the Central Government.

14. In paragraph 3 of the order dated 22.10.2025, this Court has quoted paragraphs 33 and 34 of the decision of the Apex Court in **S. Rajasekaran v. Union of India [2025 SCC OnLine SC 2191]**, wherein the Apex Court noted 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. In the said order the Apex Court issued various directions and paragraph 35.15 deals with directions on while LED dazzling headlights, red-blue strobe lights and unauthorised hooters.

15. Pursuant to the directions contained in the judgment of a Division Bench of the Karnataka High Court in **High Court Legal Services Committee v. Principal Secretary [2025 SCC OnLine Kar 7828]**, whereby a writ of mandamus was issued to the respondents therein, to strictly implement the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950, Emblems and Names

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(Prevention of Improper Use) Rules, 1982, the State Emblem of India (Prohibition of Improper Use) Act, 2005, the State Emblem of India (Regulation of Use) Rules, 2007, as well as the Rules of 2010, and all applicable provisions of the Central Motor Vehicles Rules, 1989, in particular, Rules 50 and 51, as well as the applicable Rules of Karnataka Motor Vehicles Rules, 1989, in particular Rule 145A, which deals with prohibition of improper use of State Emblem. In addition to the above general directions contained in paragraph 8 of the judgment, the Division Bench issued certain specific directions in paragraph 10 [(i) to (vii)] to further subserve the public purpose.

16. The Government of India, Ministry of Home Affairs, vide letter-file No.13/5/2025/Public dated 16.06.2025, addressed to the Chief Secretaries/Administrators of all State Governments/Union Territory Administrations, Secretaries of all Ministries/Departments of Government of India, forwarded a copy of the judgment in **High Court Legal Services Committee v. Principal Secretary [2025 SCC OnLine Kar 7828]** of the Karnataka High Court for issuing suitable instructions to all concerned Government agencies to comply with the directions contained in that judgment and to frame regulations for imposition of fine and cancellation of driving licence by providing such penal measures in the relevant rules for violating law on the use of National Emblems and Symbols.

17. The learned Senior Government Pleader to get instructions

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as to the action taken by the State based on the aforesaid letter dated 16.06.2025 of the Ministry of Home Affairs.

List on 30.06.2026.

Sd/-

**ANIL K. NARENDRAN, JUDGE**

Sd/-

**MURALEE KRISHNA S., JUDGE**

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