

ITEM NO.4

COURT NO.1

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(s)(Civil) No(s). 295/2012

S.RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

(MR. GAURAV AGRAWAL, ADVOCATE IS AMICUS CURIAE IN THE MATTER.....
[ONLY I.A. NO. 33035/2021 IS LISTED UNDER THIS ITEM.]
IA No. 33035/2021 - CLARIFICATION/DIRECTION)

Date : 06-04-2023 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA

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

For Respondent(s) Mr. Vikramjit Banerjee, A.S.G.
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Mr. T.K. Nayak, Adv.

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

- 1 In pursuance of the order dated 6 January 2023, the Supreme Court Committee on Road Safety held several meetings.
- 2 At the meeting which was held on 15 March 2023, diverse stakeholders including from the Union Government and the State Governments participated. Ms Madhavi Divan, Additional Solicitor General was also present in the meeting to assist the Committee.
- 3 The minutes indicate that the Secretary MORTH indicated that the Ministry will take up the exercise of standardisation and bring out detailed guidelines to integrate software and hardware with E-Vahan/E-Challan. MORTH intends to standardise national guidelines for hardware and software so that there is uniformity across the nation with regard to the modalities for implementing Section 136-A of the Motor Vehicles Act 1988.

4 The Committee, in this backdrop, has, in its interim report, stated as follows :

- “6. Based on these discussions, it was decided to task the NCRB to prepare a Concept Paper, on the modalities of implementation of a nation-wide roll out of effective e-enforcement under Section 136-A. It was further agreed that the concept paper would be prepared in the next 3 to 4 months and submitted to the SCCORS. If required, funds for the preparation of the concept paper would be provided by the MORTH.

The concept paper would be guided by the provisions of section 136 A and the rules issued thereunder and develop a time bound E-enforcement road map that demonstrably reduces fatalities and accidents. It could provide inputs regarding standardized hardware and software and the SOPs required for a seamless, two-way, real-time proliferation of data collection and processing between the enforcement officers in the field, the state/central control centres. Detailed TORs for the concept paper would be finalised by the SCCORS within two weeks in consultation with relevant stakeholders.

The SCCORS would share the concept paper with various stakeholders and submit an agreed and feasible implementation plan to the Supreme Court for orders within a further period of 3 months. To guide the preparation of the concept paper, it is recommended that a Steering Committee consisting of representatives of the following (not below the rank of Addl. Secretary to the Govt. of India), be established under the DG, NCRB :

- (i) Ministry of Home Affairs,
- (ii) Ministry of Road Transport & Highways,
- (iii) National Highways Authority of India,
- (iv) Ministry of Electronics and Information Technology,
- (v) National Crime Research Bureau,
- (vi) Member Secretary, Supreme Court Committee on Road Safety, shall represent the SCCoRS in the above Committee.

- (vii) Representatives of selected state governments,
- (viii) Representative of the Transportation Research and Injury Prevention Programme of IIT Delhi; and NGOs like the Save Life Foundation could be associated as permanent invitees.

The chairperson could associate other experts as may be necessary.”

- 5 In view of the above developments and since the NCRB is to prepare a concept paper on the modalities for implementing a nation wide roll out of the e-enforcement of Section 136-A, we presently stand over the proceedings to 7 August 2023.
- 6 We would request Mr Gaurav Agarwal, the Amicus Curiae to place an updated status report on the next date of hearing.
- 7 Mr K C Jain, who appears in-person, states that he has certain suggestions based on the fact that the actual recovery of fines pursuant to e-Challans has to be enhanced. He would be at liberty to make his submissions before the Committee.
- 8 List I A No 33035 of 2021 on 7 August 2023 .

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR