

2023 LiveLaw (SC) 686

IN THE SUPREME COURT OF INDIA

J.K. MAHESHWARI; J., K.V. VISWANATHAN; J.

Miscellaneous Application No. 825/2023 in C.A. No. 9322/2022; 18-08-2023

GOHAR MOHAMMAD

versus

UTTAR PRADESH STATE ROAD TRANSPORT CORPORATION & ORS.

Motor Accident Claims - The Supreme Court criticised the 'lethargic attitude' of states in not filing compliance reports on directions issued by the Apex Court for implementation of the amended Motor Vehicles Act and the Central Motor Vehicles Rules.

Counsel for the parties Mr. K. M. Nataraj, ASGMr. Sarad Kumar Singhanian, Adv. Ms. Indira Bhaskar, Adv. Mr. Sarath Nambiar, Adv. Mr. Vinayak Sharma, Adv. Mr. Shreekant Neelappa Terdal, AOR Mr. C. K. Sasi, AOR Ms. Meena K Poulouse, Adv. Ms. Garima Prashad, AAG Mr. Nishit Agrawal, AOR Ms. Kanishka Mittal, Adv. Mr. Debojit Borkakati, Adv. Mr. Siddharth Mehta, Adv. Mr. Sameer Abhyankar, AOR Ms. Sakshi Kakkar, AOR Mr. Vivek Gupta, AOR Mr. Sahil Tagotra, AOR Mr. Abhishek Pandey, Adv. Ms. Abhivyakti Banerjee, Adv. Ms. Sakshi Garg, Adv. Ms. Uttara Babbar, AOR Mr. Madhav Maira, Adv. Ms. Sampriti Baksi, Adv. Mr. Varinder Kumar Sharma, AOR Mr. Shantanu Sharma Adv, Adv. Ms. Deeksha Gaur Adv, Adv. Mr. Gaurav Sharma, Adv. Mr. Naresh K. Sharma, AOR Mr. Gaurav Agrawal, AOR Mr. Abhimanyu Tewari, AOR Ms. Eliza Bar, Adv. Mr. Shuvodeep Roy, Adv. Mr. Deepayan Dutta, Adv. Ms. Radhika Gautam, AOR Mr. Abhishek Singh Chauhan, Adv. Ms. Enakshi Mukhopadhyay Siddhanta, AOR Mr. Sovon Siddhanta, Adv. Mr. Avijit Mani Tripathi, AOR Mr. T.k. Nayak, Adv. Ms. Marbiang Khongwir, Adv. Mr. K.v. Kharlyngdoh, Adv. Mr. Daniel Lyngdoh, Adv. Mr. Rauf Rahim, AOR Mr. Ali Asghar Rahim, Adv. Dr. Monika Gusain, AOR Mr. Shrirang B. Varma, Adv. Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Bharat Bagla, Adv. Mr. Sourav Singh, Adv. Mr. Aditya Krishna, Adv. Mr. Mukul Kumar, AOR Mr. V. N. Raghupathy, AOR Mr. Manendra Pal Gupta, Adv. Mr. Dhanesh Ieshdhan, Adv. Mr. K. Parameshwar, AOR Ms. Arti Gupta, Adv. Ms. Kanti, Adv. Mr. Chinmay Kalgaonkar, Adv. Mr. Ajay Pal, AOR Mr. Mayank Dahiya, Adv. Ms. Sugandh Rathor, Adv. Ms. Susmita Lal, AOR Mr. Kamakhya Srivastava, Adv. Mr. Apurb Lal, Adv. Mr. Ashesh Lal, Adv. Ms. Rachna Lal, Adv. Mr. Saket Singh, Adv. Mrs. Sangeeta Singh, Adv. Mrs. Niranjana Singh, AOR Mr. Sanjai Kumar Pathak, AOR Mr. Arvind Kumar Tripathi, Adv. Mrs. Shashi Pathak, Adv. Mr. Raghvendra Kumar, AOR Mr. Anand Kumar Dubey, Adv. Mr. Simanta Kumar, Adv. Dr. Manish Singhvi, Sr. Adv. Mr. Ketan Paul, Adv. Mr. Anith Johnson, Adv. Mr. Shashwat Mehra, Adv. Mr. Apoorv Kurup, AOR Ms. Kirti Dadheech, Adv. Mr. Akhil Hasija, Adv. Mr. Ojaswa Pathak, Adv. Ms. Gauri Goburdhun, Adv. Mr. Shivansh Dwivedi, Adv. Ms. Apoorva Jha, Adv. Ms. Garima Prasad, A.A.G. Mr. Pradeep Misra, AOR Mr. Daleep Dhyani, Adv. Ms. Poonam Anand, Adv. Mr. Suraj Singh, Adv. Mr. Manoj Kumar Sharma, Adv. Mr. Bhuwan Chandra, Adv. Mr. Nikhil Goel, AOR Ms. Naveen Goel, Adv. Mr. Adithya Koshy Roy, Adv. Ms. Siddhi Gupta, Adv. Ms. Mrinal Elkar Mazumdar, Adv. Mr. Arun Kumar Yadav, Adv. Mr. Shreekant Neelappa Terdal, AOR Mr. R. Nedumaran, AOR Ms. K. Enatoli Sema, AOR Ms. Limayinla Jamir, Adv. Mr. Amit Kumar Singh, Adv. Ms. Chubalemla Chang, Adv. Mr. Prang Newmai, Adv. Ms. Samapika Biswal, AOR Ms. Nidisha Garg, Adv. Mr. Aman Kumar Yadav, Adv. Mr. Pukhrambam Ramesh Kumar, AOR Mr. Karun Sharma, Adv. Ms. Kavita Jha, AOR Mr. Anant Mann, Adv. Mr. Aditeya Bali, Adv. Mr. Mahesh Kumar, Adv. Mr. Kaushal Sharma, Adv. Mr. Shivam Sharma, Adv. Ms. Devika Khanna, Adv. Mrs. V. D. Khanna, Adv. Mr. Vmz Chambers, AOR Mr. P. I. Jose, AOR Mr. Remish Lakra, Adv. Mr. Maibam Nabaghanashyam Singh, AOR Mr. Shakti K Pattanaik, Adv. Ms. Anjali Dhingra, Adv. Mr. Kumar Kartikey, Adv. Mr. Ashish Wad, Adv. Mrs. Tamali Wad, Adv. Ms. Kirti Sharma, Adv. Mr. Ajeyo Sharma, Adv. M/S. J S Wad And Co, AOR Mr. Raghavendra S. Srivatsa, AOR Ms. Anagha N. Sharma, Adv. Mr. Hari Vishnu Tiwari, Adv.

ORDER

This misc. application was filed seeking extension of time to comply the directions issued on 15.12.2022 in Civil Appeal No. 9322 of 2022 by the State of Kerala. Vide order dated 16.05.2023, notices were issued to the Registrar General of all the High Courts and the Chief Secretaries/Administrators of all the States/Union Territories to apprise this Court regarding compliance of the directions as issued within the time as specified.

Despite service of notice, Compliance Affidavits were not filed, therefore, on 10.07.2023, this Court passed the following order, relevant portion of which is reproduced hereunder: -

“The State Governments/Union Territories which are not represented through their counsel be represented through standing counsels of those State Governments/Union Territories, and Registry shall inform them accordingly.

Compliance report/affidavit be submitted by remaining High Courts and the State Governments on or before 14th August, 2023.

In case compliance report is not filed by the remaining High Courts or the State authorities, before the next date, this Court shall be constrained to pass an order seeking presence of the Registrar Generals of the concerned High Court and the Chief Secretaries of the concerned State /Union Territories.

This order be communicated to the Registrar Generals of the High Courts and the Chief Secretaries of the States/Union Territories.

List the matter on 18th August, 2023.”

In pursuance of the said order, the case is listed today for further orders. Office Report dated 17.08.2023 indicates that 25 High Courts have filed, either the Compliance Reports or the Affidavits or the Notifications as pointed out in the said report. 16 State Governments have also filed, either the hard copies or soft copies of the Compliance Affidavits. 19 States/Union Territories are unrepresented. The list of 19 unrepresented States/UTs is as under :-

<u>S. No.</u>	<u>States</u>
1.	Andhra Pradesh
2	Assam
3	Goa
4	Gujarat
5	Himachal Pradesh
6	Jammu & Kashmir & Ladakh
7	Jharkhand
8	Madhya Pradesh
9	Maharashtra
10	Rajasthan
11	Tamil Nadu
12	Telangana
13	Tripura
14	Uttarakhand
15	West Bengal
16	Chandigarh
17	Dadra & Nagar Haveli & Daman and Diu
18	Lakshdweep
19	Puducherry

During the course of hearing, learned counsel for the States of Assam, Himachal Pradesh, Maharashtra, Tamil Nadu, Telangana, Tripura, West Bengal and Andhra Pradesh have appeared and prays for two weeks' time to file their compliance affidavits.

Learned senior counsel Dr. Manish Singhvi appears for the State of Rajasthan and has handed over the compliance report, which is taken on record.

The net result is that the States of Goa, Gujarat, Jammu & Kashmir & Ladakh, Jharkhand, Madhya Pradesh, Uttrakhand, Union Territories of Chandigarh, Dadra & Nagar Haveli & Daman and Diu, Lakshdweep and Puducherry are still unrepresented.

In the previous order, it was made clear that the order be communicated to all the High Courts and Chief Secretaries of the States and Union Territories so that in case the compliance is not filed by them, suitable directions for presence of concerned officers may be directed today. In spite of such an order, the abovementioned 10 States/Union Territories have not been represented. We cannot appreciate such a lethargic attitude of the said States in a matter in which the Motor Vehicles Act and Central Motor Vehicles Rules have been amended and directions have been issued on 15.12.2022 for their implementation within the time schedule of four months.

Looking to the importance of the issue, we appoint Sh. J. R. Midha, learned senior counsel, who is present in Court today, as Amicus Curiae, to be assisted by Ms. Samrika Biswal and Mr. Sumit Chander, learned counsel, to compile the provisions of the Act and Rules, previous Judgments and the directions issued in this case and submit the suggestions.

Mr. J. R. Midha, learned senior counsel, has placed before this Court today some suggestions for the implementation of the Act and the Rules. The suggestions are taken on record. The operative portion of the said suggestions is reproduced hereunder :-

“The following data be called for from all the stakeholders :-

(i) Data required for State Police for the period 1st April, 2022 to 31st July, 2023

- *Whether the Central Motor Vehicles Act, 2022 and the FORMS contained in the Rules have been circulated for being complied by the Police Officials. If so, then the date of such circulation and the copy of the DO.*

- *What Steps have been taken by the State Police to ensure the compliance of the Central Motor Vehicle Rules, 2022 in respect of the Road Accidents. Name and designations of the Officers responsible for ensure the compliance of the Central Motor Vehicles, Rules, 2022 by the Police Station.*

- *Whether any training has been imparted to Police Officers for compliance of Central Motor Vehicle Rules, 2022.*

(ii) Data required from Police of each District for the period 1st April, 2022 to 31st July, 2023.

- *Number of Road Accidents.*

- *(i) Number of cases in which First Accident Report (FAR) filed within 48 hours of the accident. (ii) Number of cases in which First Accident Report (FAR) filed after 48 hours of the accident. (iii) Number of cases in which First Accident Report (FAR) has not been filed.*

- *(i) Number of cases in which Interim Accident Report (IAR) filed within 50 days of the accident. (ii) Number of cases in which Interim Accident Report (IAR) filed after 50 days of the accident. (iii) Number of cases in which Interim Accident Report (IAR) has not been filed.*

- *(i) Number of cases in which Detailed Accident Report (FAR) filed within 90 days of the accident. (ii) Number of cases in which Detailed Accident Report (FAR) filed after 90 days of the accident. (iii) Number of cases in which Detailed Accident Report (FAR) has not been filed.*

(iii) Data to be collected from each Insurance Company for the period 1st April, 2022 to 31st July, 2023

- *Number of Interim Accident Reports (IAR) received from the Police.*

- *Number of First Accident Reports (FAR) received from the Police.*

- *Number of Detailed Accident Reports (DAR) received from the Police.*
- (iv) Data to be complied in respect of each Motor Accident Claims Tribunal for the period 1st April, 2022 to 31st July, 2023*
- *Number of Interim Accident Reports (IAR) received month wise.*
 - *Number of First Accident Reports (FAR) received month wise.*
 - *Number of Detailed Accident Reports (DAR) received month wise.*
 - *Number of cases in which the Detailed Accident Reports (DAR) has been treated as claim petition.*
 - *Number of Cases decided according to the time period specified in Central Motor Vehicles Rules, 2022.”*

We acknowledge the above suggestions and find it necessary for compliance of the provisions of the Act and the Rules. The Chief Secretaries will have letters written to the Head of the Insurance Companies in the States and the Insurance Companies are directed to furnish the information sought for. The same may be incorporated by the State Governments in their affidavits.

At present, as per the suggestions, we think it appropriate that certain more information is required to crystalize the issue and to carry out the purpose for which, Motor Vehicles Act and Central Motor Vehicles Rules have been amended and to comply with the directions issued by this Court.

In view of the above, the Registrar General of all the High Courts and the Chief Secretaries of all the States and the Administrators of all the Union Territories shall submit the compliance reports in a consolidated form, attached with the affidavits of the Registrar Generals and Chief Secretaries/ Administrators. The said consolidated affidavit must be filed on or before 02.09.2023, with an advanced copy of the same to the learned Amicus Curiae for compilation of the Data.

Re-list for further orders on 11.09.2023 at the end of the Board.

In the previous order also, it was observed that in case the affidavits and the compliance reports are not filed, this Court shall be constrained to pass an order seeking presence of the Chief Secretaries of the concerned States/Union Territories. Even then, 19 States remained unrepresented, out of which learned counsel for 8 States have appeared today and prayed for time to file compliance reports and 10 States are completely unrepresented. State of Rajasthan has filed compliance report today.

It is made clear that in case the consolidated affidavit is not filed within the stipulated time, we shall be constrained to pass an order to secure the presence of the officers concerned.

Let copies of this order be sent to the Registrar Generals of all High Courts and the Chief Secretaries of all the States/Union Territories. Let copies of this order be sent to the Advocate Generals of all the States as well for intimation and necessary action.