

C.M.A.Nos.1350 to 1360 of 2015**and****C.R.P.Nos.2929 to 2948 of 2014****IRUBAKARAN, J.**

These appeals have been preferred by the Transport Corporation against the award of various amounts in favour of the respondents/claimants, who were injured due to collision of two buses which were alleged to have been driven in a rash and negligent manner. In the said accident, two persons died and 29 persons travelling in both the buses, got injured. The allegation made against the drivers of both the buses is that the buses were driven with great speed.

2.The Central Government in exercise of powers conferred by sub-section (1) of section 112 of the Motor Vehicles Act, 1988 (Act 59 of 1988) had prescribed the following maximum speed limit for different class of vehicles with effect from 01.07.1989 and the same is usefully extracted hereunder:

<i>Class of Vehicles</i>	<i>Maximum Speed per hour in Kilometres</i>
(1) If all the wheels of the vehicle are fitted with pneumatic tyres and the vehicle is not drawing a trailer -	
(a) if the vehicle is a light motor vehicle, other than transport vehicle;	No limit
(b) if the vehicle is a light motor vehicle and a transport vehicle;	65
(c) if the vehicle is a motor cycle;	50
(d) if the vehicle is a medium or heavy passenger motor vehicle;	65
(e) if the vehicle is a medium or heavy goods vehicle.	65

<i>Class of Vehicles</i>	<i>Maximum Speed per hour in Kilometres</i>
(2) If the vehicle is an articulated vehicle, all the wheels of which are fitted with pneumatic tyres, which is a heavy goods vehicle or heavy passenger motor vehicle;	50
(3) If the vehicle is drawing not more than one trailer, or in the case of artillery equipment, not more than two trailers and all the wheels of that vehicle and the trailer are fitted with pneumatic tyres-	
(a) if the vehicle is a light motor vehicle and the trailer being two-wheeled has a gross vehicle weight not exceeding 800 kilograms;	60
(b) if the vehicle is a light motor vehicle and the trailer has more than two wheels or a gross vehicle weight exceeding 800 kilograms;	50
(c) if the vehicle is a medium goods vehicle or medium passenger motor vehicle;	50
(d) if the vehicle is a heavy goods vehicle or heavy passenger motor vehicle;	40
(e) if the vehicle is a heavy goods vehicle or heavy passenger motor vehicle used by the fire brigade.	50
(4) Any other case not covered by entry (1), (2) or (3)	30

3. When the permissible speed limit as specified in the above tabular column does not exceed 65 km/hour, it is not known as to how the Indian automobile manufacturers are allowed to manufacture vehicles fitted with high speed engines capable of travelling much more than 100 kms. If the automobile manufacturers are prohibited from manufacturing such vehicles with high speed engines, the question of limiting the speed would not arise and even if the driver intends to drive the vehicle with great speed, it will not be possible. Hence, the speeding of vehicles needs to be controlled at the threshold itself viz., manufacturing stage. Therefore, the 5th respondent is directed to ascertain the possibilities of implementing such condition for the manufacturers and report before this Court.

4.Many vehicles viz., Two wheelers and Four wheelers which can ply more than the legally permitted speed limit are imported into India from foreign countries and invariably these high speed vehicles are used for racing, endangering not only the lives of the riders but also the innocent public, who are either travelling on the road or walking on the pavement. Hence,

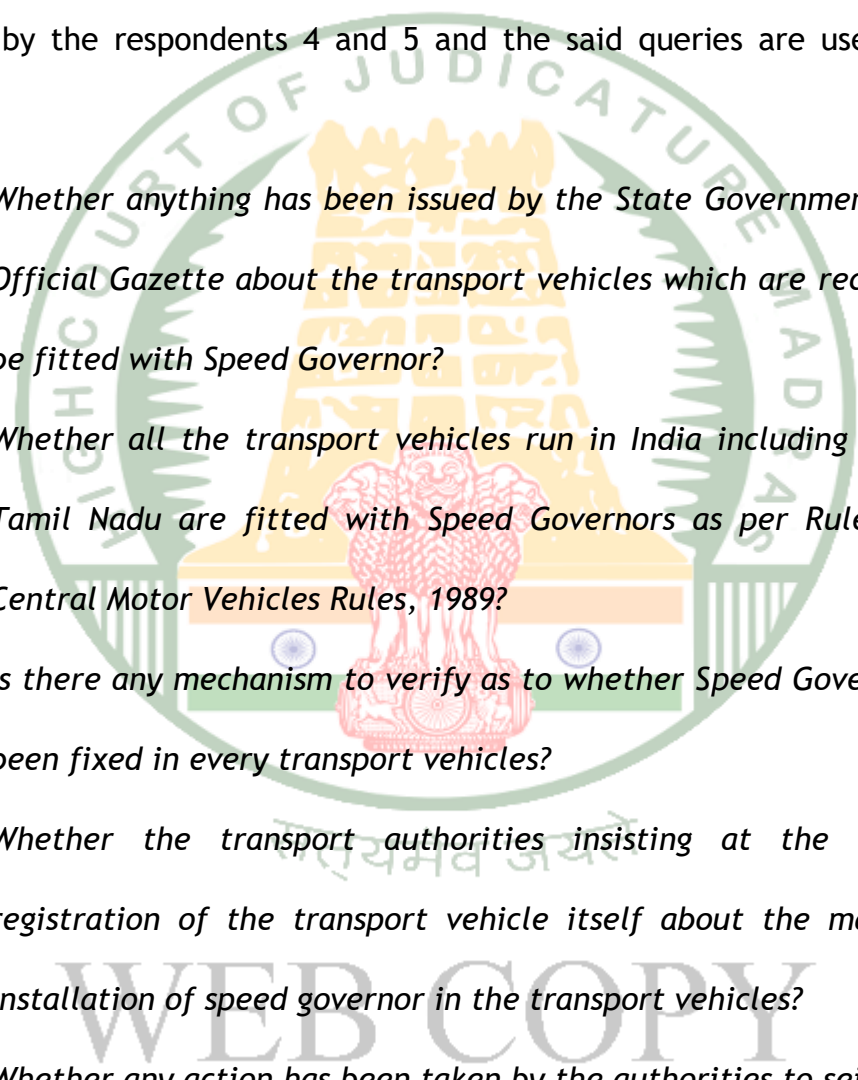
The Secretary to Government,
Department of Revenue,
Ministry of Finance,
Government of India, New Delhi;

is suo motu impleaded as 8th respondent. Mr.Venkatesan, learned Central Government Standing Counsel takes notice on behalf of the newly impleaded respondent and he is directed to get instructions, as on what basis the high speed vehicles are allowed to be imported, especially when they endanger the lives of the innocent citizens and whether it is possible to prohibit import of such vehicles?

5.Further, it is brought to the notice of this Court that the vehicles which are declared unfit and not allowed to ply in the foreign countries are being allowed to be imported and they are used in our country. When the manufacturing country itself found those vehicles unfit for use, it is not known why the consumers in India are allowed to import such vehicles. It is also being said that such imported two wheelers like “Harley Davidson” costs from Rs.10 lakhs to Rs.1 crore and four wheelers costs from Rs.50 lakhs to Rs.5 crores and invariably, these imported vehicles are found to be involved in the

high profile accident cases. Therefore, such imported vehicles with high speed engines have to be used after speed controlling/arresting devices are fitted during registration. This query has to be answered by the newly impleaded respondent.

6. Furthermore, the queries raised this Court vide order dated 08.07.2015 is yet to be answered by the respondents 4 and 5 and the said queries are usefully extracted hereunder:

- 
- (a) *Whether anything has been issued by the State Government in the Official Gazette about the transport vehicles which are required to be fitted with Speed Governor?*
- (b) *Whether all the transport vehicles run in India including State of Tamil Nadu are fitted with Speed Governors as per Rule 118 of Central Motor Vehicles Rules, 1989?*
- (c) *Is there any mechanism to verify as to whether Speed Governor has been fixed in every transport vehicles?*
- (d) *Whether the transport authorities insisting at the time of registration of the transport vehicle itself about the mandatory installation of speed governor in the transport vehicles?*
- (e) *Whether any action has been taken by the authorities to seize those vehicles, who are run without speed governors?*
- (f) *How many cases have been registered in this regard, so far for the past ten years?*

- (g) *How many accidents occurred in India and Tamil Nadu for the past 10 years due to speedy driving of the vehicles?*
- (h) *How many persons were killed in the accidents occurred due to speed?*
- (i) *How many persons got injured and what is the value of loss of properties occurred in those accidents caused by speeding vehicles?*
- (j) *Whether accidents increased or decreased after making National Highways as four-way road and what at all the details?*
- (k) *What are other steps to be taken by both the State and Central Government to implement Rule 118 of The Central Motor Vehicle Rules, 1989?*

7. Similarly, the queries raised this Court vide order dated 19.08.2015 is yet to be answered by the Central Government by way of an Affidavit and the said queries are usefully extracted hereunder:

- i. *The number of vehicles including transport and non-transport vehicles in the country - State-wise details have to be given as on date.*
- ii. *In case, if the Speed Governor is directed to be fixed, it has to be fixed firstly to the transport vehicles - therefore, the number of transport vehicles have to be given State-wise.*
- iii. *Whether sufficient Speed Governors are manufactured in India in*

case of direction is given to fix Speed Governors?

- iv. How long it will take to get sufficient number of Speed Governors?*
- v. Similarly, for non-transport vehicles also, details have to be given regarding the number of non-transport vehicles like four wheeler, three wheeler and two wheeler and the time required for fixing the Speed Governors.*

8.All the above queries have to be answered by the respective respondents on or before 21.08.2017, failing which the 4th , 5th and 8th respondents shall appear before this Court on 22.08.2017.

Call the matter on 22.08.2017.

26.07.2017

pgp

Note to Office:

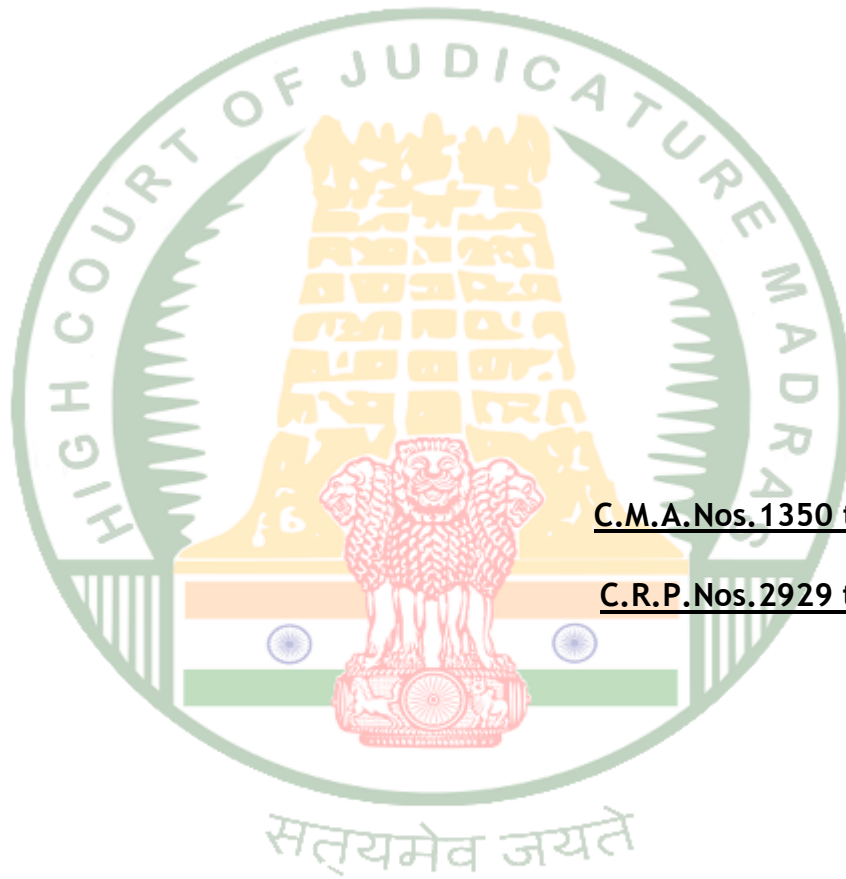
(i) Issue order copy on 31.07.2017

(ii) Registry is directed to remove C.M.A.No.1345/2015 from this batch.

WEB COPY

N.KIRUBAKARAN, J.

pgp



C.M.A.Nos.1350 to 1360 of 2015
and
C.R.P.Nos.2929 to 2948 of 2014

WEB COPY

Dated : 26.07.2017