

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4758/2015

COURT ON ITS OWN MOTION Petitioner
Through: Court on its own motion.

Versus

UNION OF INDIA & ORS. Respondents
Through: Ms. Monika Arora, CGSC for UOI.
Mr. Rahul Mehra, Sr. Standing Counsel (Civil)
with Mr. Gautam Narayan, ASC, GNCTD and Ms.
Shruthi Parasa, Adv. for GNCTD.
Mr. Amrender Kumar Singh, DCP Traffic Central,
Inspector Hemant Sharma, TI/Legal Cell, Mr. Raj
Kishore, TI/Tughlak Road, Traffic Circle, Mr.
Ramtirth, Parvi Officer Traffic.
Inspector Bimla Devi PS Tughlak Road, SI
Yadram Yadav PS Tughlak Road, SI Bhupesh
Kumar Security Picket NDD.

+ W.P.(C) 5072/2015

ABHISHEK CHOUDHARY AND ANR. Petitioners
Through: Petitioners in person

Versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Akshay Makhija, CGSC with Ms.
Mahima Bahl, Adv. for UOI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER
20.07.2016

1. W.P.(C) No. 4758/2015 was taken up by this Court suo moto on the basis of the incident of a traffic policeman, in retaliation, hurling a brick at a woman in the Golf Link's area on 11.05.2015, which was widely published in the media.
2. Having regard to the fact that such incidents, known as "road rage" are now on the rise in the city and are being reported regularly and in many incidents commuters are found to have hit out at their fellow commuters violently on the smallest of the provocation, this Court by order dated 13.05.2015 called upon the Respondents to file the counter affidavits explaining the measures, if any, taken to address the issue of road rage.
3. Subsequently, two practicing advocates of this Court filed W.P.(C) No.5072/2015 by way of Public Interest Litigation, with the following prayers:

"(1) Issue Writ in the nature of Manadamus or Direction or Order to Respondents to spread awareness about the consequences/effects of Road Rage through advertisements on television / FM radio / social media / print media / campaigns / banners / hoardings / pamphlets;

(2) Issue Writ in the nature of Manadamus or Direction or Order to Respondent No.1 Ministry of Home Affairs and Respondent No.2 Ministry of Law and Justice to constitute a specific and deterrent law against Road Rage.

(3) Issue Writ in the nature of Manadamus or Direction or Order to Respondent No.1 and Respondent No.2 to amend the Motor Vehicles Act, 1988 and make necessary, specific and deterrent provisions on Road Rage in the said Act.

(4) Issue Writ in the nature of Manadamus or Direction or Order to Respondent No.3 Government of NCT of Delhi to have a prior temperamental / behaviour analysis test of before issuing the driving licence.

(5) Issue Writ in the nature of Manadamus or Direction or Order to Respondent No.5 to have strict / disciplined lane driving in certain areas or certain zone which are prone to accident and congestion.

(6) Issue Writ in the nature of Manadamus or Direction or Order to Respondents whereby the bonafide people who try to stop such Road Rage incidents should be awarded and praised by the Respondents.

(7) xxx xxx

(8) xxx xxx"

4. In W.P.(C) No.5072/2015, it is pleaded that the registered cases of road rage are increasing every year and the figures are very alarming. The number of registered cases during the years 2010 to 2014 on the basis of IANS Report dated 08.04.2015 have been placed on record as under:

S.No.	YEAR	CASES
1	2010	36
2	2011	34
3	2012	49
4	2013	53
5	2014 (January, 2014 to November, 2014)	93

5. The Petitioners have also come up with certain suggestions to spread awareness among the public of the consequences and effect of road rage and

the need for enforcing the existing provisions of Motor Vehicles Act, 1988 more effectively apart from making new and more deterrent provisions to curb the menace of road rage.

6. Since the issue raised in W.P.(C) No.5072/2015 is somewhat identical to the issue which we have already taken note of in W.P.(C) No.4758/2015, both the writ petitions are clubbed together.

7. The Deputy Commissioner of Police, Traffic (HQ), Delhi filed an affidavit dated 31.07.2015 in W.P.(C) No.4758/2015 explaining the causes of road rage as under:

"6. The factors causing road rage vary from increasing number of vehicles jostling for the limited road space, rising stress level and decreasing tolerance of drivers, loud music and stressful life of city, inadequate punishments for flouting traffic rules, inflated egos, influence of alcohol and the hot and unmerciful weather conditions etc. A scientific study by experts on road rage behavior in Delhi can be initiated so that exact cause of its remedial measures can be identified."

8. The measures need to be taken for prevention of road rage have also been explained as under:

"7. Strong penal action against drunken driving, irrational and impulsive driving is effective for preventing road rage. The traffic police present in the close proximity, when a scuffle or argument starts, intervenes immediately so that it may not lead to a big incident. In case, there is a road rage incident and Police Control Room is informed on No.100 by the aggrieved person or any public person, the PCR vehicle which is available at the closest distance immediately reaches the place of incident and intervenes so that the situation does not aggravate further. Best efforts are made to pacify the parties involved in the road rage in the meanwhile the local police

from the respective Police Station is also requisitioned at the spot to handle the situation accordingly. The local police after taking stock of the situation, explains the parties about the ill-effects of road rage. If no cognizable offence is made out, the parties are pacified and allowed to go after a compromise and warning. If a cognizable offence is made out, action under relevant sections of law is taken against the offending party.

Educating commuters through various means is also an effective way to tackle the incidents of road rage. The Traffic Police is educating commuters on themes like "**A sober mind**" and "**Road rage - no no**", while driving, through inserting advertisement in leading newspapers, as published in Times of India dated 26.05.2015 and Hindustan Times daily dated 21.07.15 respectively (ANNEXURE-"A") and also educating the public on various other themes like - Drunken driving, Lane driving, Use of helmet while driving etc. Further, Road safety themes are also covered by FM channels (Radio Mirchi, Radio City, Red FM, Radio One, Oye FM, Fever FM, Air FM Gold, Air FM Rainbow). Besides, during special activities organized by Road Safety Cell of Delhi Traffic Police, the commuters/motorists are also advised and educated to follow certain Dos and Don'ts given at ANNEXURE-"B" to prevent road rage."

9. It is also explained that the Delhi Traffic Police is continuously endeavouring to ensure smooth flow of traffic which will have the effect of reducing the commuting time, smoother movement and resultantly less altercations and less incidents of road rage. The measures stated to be taken have been enumerated as under:

"(a) That in order to remove any kind of breakdown or vehicles involved in accident on the roads of Delhi, a fleet of 30 hydraulic cranes, 9 big cranes and 52 small cranes, are being utilized for towing away such vehicles and

vehicles which are found obstructively/improperly parked on roads. In addition, services of heavy duty big cranes from DMRC, CONCOR are also being availed for towing away breakdown big & heavy loaded vehicles.

(b) That during peak hours and whenever the traffic is heavy, the traffic junctions are being manually operated by traffic police personnel so as to ease out traffic.

(c) That to ease the waiting time anxiety, traffic lights have been fitted with count down timers and signals are being synchronized by Signal Maintenance Agency according to situation/demand of traffic volume in a particular area/corridor.

(d) That to keep the public updated with the latest traffic situation in Delhi and to advise to take recourse to alternative route, information is being disseminated to the public through helpline No. 1095/25844444, social media like Facebook & Twitter, Traffic Police Mobile application and Delhi Traffic Police website. This work is especially monitored by Public Interface Unit situated at Traffic Police Headquarters at Dev Prakash Shastri Marg, Todapur, New Delhi."

10. The various steps that have been undertaken to improve police-public relation and image building by people friendly initiatives and community policing schemes have also been explained in detail. So far as the issue of special knowledge and effort for managing the vehicular and pedestrian movement on the road is concerned, it is explained:

"(a) That Delhi, the National Capital, has been experiencing rapid demographic changes during the past few decades. The growth is reflected in terms of population size, economic activities and physical extent. The human population, which was 43 lakhs in 1971 increased to 167 lakhs (approx.) in 2011, which is nearly four folds (approx) increase in the last four decades.

Correspondingly, motor vehicle population was 2.17 lakhs in 1971 and 74.38 lakhs (approx) in 2011 which is thirty four times (approx) increase in the last four decades. At present, there are approx. 88 lakh motor vehicles registered in Delhi. In addition to the motor vehicles registered in Delhi, it has been estimated that over one lakh vehicles from the neighbouring States, also ply on Delhi roads, further deteriorating the already over burdened traffic scenario of the city.

(b) That although, the number of motor vehicles on Delhi roads has increased by approximately thirty four times between 1971 to 2011, the road length which was 8,380 kms in 1971 has only increased to 33,198 kms in 2011, which indicates increase of only four times (approx.) only. This has resulted in an increase in vehicle density per sq.km.

(c) That growing vehicle fleet, unregulated urban expansions, increase in freight movement by road, inadequate public transport system and lack of efficient control measures etc. are some of the key variables, which make traffic regulations and control an extremely challenging task. Furthermore, the absence of any alternative transportation has led to an adverse modal split for the road network. This has also forced the commuters to use personalized modes in absence of satisfactory public transportation system. further, due to fast development of National Capital Region and more particularly satellite towns abutting Delhi like Ghaziabad, Faridabad, NOIDA, Gurgaon, Rohtak, Sonapat etc., the capital city has faced additional brunt of influx of high volume of traffic thereby congesting important interstate roads and highways coming to the city. All National Highways i.e. NH1, NH2, NH8, NH10 & NH24 are carrying high volume of traffic than they were designed for. The traffic is so discharged on Ring Road and outer Ring Road further blocks the circular roads of the city.

(d) That while the traffic problem has increased, the

necessary engineering infrastructure required to combat traffic problems have not kept pace with it. As a result, many bottlenecks have emerged in the city. It is true that many flyovers are in existence, with some constructed recently, but they have facilitated only the directional flow of traffic and shifted the traffic problems to other points rather than providing a holistic solution to traffic congestion at an intersection. The traffic congestion could be eased only when a holistic approach consisting of a well coordinated public transport system, improved parking management system, prioritizing movement of people than vehicles/cars and introducing more punitive law for ensuring strict implementation is taken.

- (e) xxx xxx xxx
- (f) xxx xxx xxx
- (g) xxx xxx xxx"

11. The Under Secretary, Ministry of Home Affairs, Government of India filed an affidavit dated 07.11.2015 in W.P.(C) No.4758/2015 stating that Delhi Police is pursuing innovative ideas to have a better reach to the public which include use of technology like FM Radio, Internet and Social Networking tools to make announcements regarding the traffic situation, diversions and traffic holds up etc. to advise road users apart from inserting advertisements in the leading newspapers for educating and guiding the motorists on important traffic rules etc. It is also stated that the enforcement drives are being undertaken by Delhi Traffic Police from time to time, both vehicle and offence specific, to create an impact and sustained efforts in the following major areas:

- "(i) Action against buses, RTVs, and commercial goods vehicles for enforcement of Hon'ble Supreme Court directions.
- (ii) Action against TSRs for misbehavior, overcharging,

refusal and carrying excess passengers.

(iii) Action against Gramin Sewa vehicles.

(iv) Action against two wheeler riders for driving without helmet, pillion rider without helmet and triple driving.

(v) Action against plying of unauthorized buses and RTVs.

(vi) Action against school vans.

(vii) Unauthorized use of beacon lights.

(viii) Vehicle having tinted/dark solar films on glasses.

(ix) Permit violation.

(x) Over-speeding.

(xi) Improper/obstructive parking.

(xii) Drunken and reckless driving.

(xiii) Violation of 'No Entry' restriction timings.

(xiv) Wrong overtaking, stop line violation.

(xv) Red light jumping.

(xvi) Defective number plates.

(xvii) Without Pollution Under Control (PUC) Certificate.

(xviii) Seat Belt.

(xix) Without PSV Badges.

(xx) Heavy Goods vehicles without LUPD (Lateral Under Protective Device)/ RUPD (Rear Under Protective Device).

(xxi) Action against illegal plying of tractors."

12. We have heard the learned counsel for the Petitioners in W.P.(C) No.5072/2015 as well as the learned counsel appearing for the Respondents.

13. Rash driving is undoubtedly one of the main reasons for the incidents

of road rage. It is pointed out by the learned counsels that rash driving is an offence punishable under Section 279 of IPC which reads as under:

"279. Rash driving or riding on a public way

Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

14. It is also relevant to note that Motor Vehicles Act, 1988 contains certain provisions, the effective enforcement of which will bring down the road rage incidents. For instance, Section 19 empowers the Licensing Authority to revoke the driving licence for various reasons enumerated therein. Section 19 for ready reference may be reproduced hereunder:

"19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence.

(1) If a licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard, that he--

- a. is a habitual criminal or a habitual drunkard; or
- b. is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the; (61 of 1985.) or
- c. is using or has used a motor vehicle in the commission of a cognizable offence; or
- d. has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public; or
- e. has obtained any driving licence or a licence to drive a particular class or description of motor vehicle by fraud or misrepresentation; or

- f. has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or
- g. has failed to submit to, or has not passed, the tests referred to in the proviso to sub-section (3) of or
- h. being a person under the age of eighteen years who has been granted a learner's licence or a driving licence with the consent in writing of the person having the care of the holder of the licence and has ceased to be in such care, it may, for reasons to be recorded in writing, make an order-
 - i. disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence; or
 - ii. revoke any such licence."

15. In the light of the provisions of law noticed above and having taken note of the various measures being taken by the Traffic Police and the Government of India to ensure smooth flow of traffic and to create awareness among the public which would in turn reduce the incidents of road rage, we consider it appropriate to dispose of the writ petition with the following directions:-

(i) Enforcement drives shall be undertaken by Traffic Police regularly for both vehicle and offence specific and the existing statutory provisions for violation of the traffic rules, rash driving, drunken driving and etc. shall be enforced more effectively and stringently;

(ii) Steps shall also be initiated to manage properly the movement of pedestrians and vehicles on the roads keeping in mind the size and

capacity of roads vis-à-vis the number of users which may facilitate less altercations and less incidents of road rage.

(iii) Effective steps be taken to spread awareness among the public of their responsibility and accountability to obey the law and not to indulge in acts of lawlessness.

(iv) Steps be taken for implementation of the various measures proposed in the affidavit of the Deputy Commissioner of Police, Traffic (HQ), Delhi dated 31.07.2015 for prevention of road rage.

(v) The respondents will also consider the feasibility of the adoption of the suggestions made by the writ petitioners in W.P.(C) No.5072/2015.

16. The writ petitions are accordingly disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J.

JULY 20, 2016

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