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

+ W.P.(C) 10877/2017 & CM No.44535/2017

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Date of decision : 18th July, 2018

NYAYABHOOMI

..... Petitioner

Through : Mr. Rakesh Aggarwal in
person.

versus

GOVT. OF NCT OF DELHI AND ORS. ... Respondents

Through : Mr. Gautam Narayan, ASC,
GNCTD.

Mr. Rajesh Gogna, CGSC with
Mr. Akhilesh Kumar and Mr.
Raghav Nagar, Advs. for R-3
to 5.

S.I. Ram Tirath, Pairvi Officer,
Traffic.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. The petitioner, a society which claims to be working in the domain of transport, by way of the instant writ petition, made a grievance that the vehicles of the Rashtrapati Bhawan; office of the Vice-President; the Raj Niwas and the Protocol Division of the Ministry of External Affairs do not display registration marks on their vehicles. Instead the registration mark stands replaced by the State Emblem of India.

2. The petitioner has contended that registration mark on vehicles

(ii) the plate should bear the letters "IND" in blue colour on the extreme left centre of the plate. The letter should be one-fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate;

(iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a permanent consecutive identification number of minimum seven digits, to be laser branded into the reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authorities/approved dealers of the license plates manufacturer along with the regular registration marks, and thereafter if such sticker is destroyed it shall be issued by the license plate manufacturer or his dealer;

(v) the plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle at the premises of the registering authority; The license plates with all the above specifications and the specified registrations for a vehicle shall be issued by the registering authority or approved the license plates manufacturers or their dealers. The Central Road Research Institute, New Delhi or any of the agency authorized by the Central Government shall approve the license plates manufacturers to the above specification;

(vi) the size of the plate for different categories of vehicles shall be as follows:—

For two and three-wheelers 200 x 100 mm

For Light Motor Vehicles/

340x200mm/500x120 mm

Passenger cars

For medium commercial vehicles, 340 x200 mm :

heavy commercial vehicles and

Trailer/combination

Provided that this sub-rule shall apply to already registered vehicles two years from the date of commencement:

Provided further that the size of the registration plates for agricultural tractors shall be as follows:—

Front - 285x45 mm

Rear - 200x100 mm:

Provided also that the size of registration plate for power tiller shall be 285x45 mm and shall be exhibited at the front. Further, in case of trailer coupled to power tiller, the size of registration plate shall be 200x100 mm and shall be exhibited on its rear:

Provided also that in case of a motor cycle, the size of 285x45 mm for front registration plate shall also be permitted.

(2) In the case of motor cycles the registration mark in the front shall be displayed parallel to the handle bar or on any part of the vehicle including mudguard facing the front instead of, on a plate in line with the axis of the vehicle:

Provided that— (a) the registration mark exhibited at the rear of a transport vehicle shall be affixed to the vehicle on the right hand side at a distance not exceeding one metre from the ground as may be reasonably possible having regard to the type of the body of the vehicle;

(b) the registration mark shall also be painted on the right and left side on the body of the vehicle in the case of a transport

vehicle;

(c) the registration mark shall also be painted and exhibited on the partition provided between the driver and the passengers, facing the passengers' seats or, where there is no such partition, on the front interior of the vehicle near the roof to the left side of the driver's seat facing the passengers' seats in the case of a stage carriage or a contract carriage and in the case of a motor cab or a taxi cab it shall be sufficient if the registration mark is painted on the dash-board;

(d) the letters of the registration mark shall be in English and the figures shall be in Arabic numerals and shall be shown:—

(A) in the case of transport vehicles in black colour on yellow background; and

(B) in other cases, in black colour on white background, the registration mark on the trailer shall be exhibited on the left hand side in black colour on yellow background. In addition, the registration mark on the drawing vehicle shall be exhibited on the trailer also and this shall be done on the right hand side at the rear of the trailer or the last trailer as the case may be, in black colour on retro-reflective type yellow background:

Provided that where provisions of this clause have not been complied with in respect of motor vehicle, on or before the commencement of the Central Motor Vehicles (8th Amendment) Rules, 2001, then the provisions shall be complied with,—

(i) in respect of transport vehicle, on or before 1st February, 2002; and

(ii) in other cases, on or before 1st July, 2002.

(3) The registration mark shall be exhibited in two lines, the State code and registering authority code forming the first line and the rest forming the second line, one below the other:

Provided that the registration mark in the front may be exhibited in one line:

Provided further that in models of vehicles having no sufficient provision at the rear to exhibit the registration mark in two lines, it shall be sufficient if in such vehicles registration mark is exhibited in a single line: Provided further that registration mark on a light motor vehicle may be in the centre with illumination.

(4) Every motor vehicle, except motor cab and motor car, manufactured on and from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1993, shall be provided with sufficient space in the rear for display of registration mark in two lines.

(5) In case of agricultural tractors, the registration mark need not be inclined to the vertical plane by more than 45 degrees.

(6) The registration mark of the drawing agricultural tractor may not be exhibited on the agricultural trailer or trailers.

51. Size of letters and numerals of the registration mark.—
The dimension of letters and figures of the registration mark and the space between different letters and numerals and letters and edge of the plain surface shall be as follows:—

Sr.No.	Class of vehicle		Dimensions not less than		
			Height	Thickness	Space between
(1)	(2)		(3)	(4)	(5)
1.	All motor cycles and three-wheeled invalid carriages	Rear-letters	35	7	5
2.	All motor cycles and three-wheeled invalid carriage	Rear-numeral	40	7	5

Central Government has framed the State Emblem of India (Regulation of Use) Rules, 2007. With regard to the subject matter of writ petition, it is necessary to refer to Rule 7 of the **State Emblem of India (Regulation of Use) Rules, 2007** (*'Rules of 2007'* hereafter) which deals with the display of State emblem on vehicles which shall be restricted to the authorities as specified in the Schedule I. So far as "*constitutional authorities and other dignitaries*" are concerned, the Schedule II of the said Rules of 2007 sets out the details of the which may display the emblem on their cars.

7. Rule 10 of the **State Emblem of India (Regulation of Use) Rules, 2007** restricts the use of the State emblem to only those authorized by the Rules and as detailed in the Schedule II of Rule 7.

8. So far as the vehicles of the Rashtrapati Bhawan; Vice-President; Raj Bhawan and Raj Niwas; and Protocol division of the Ministry of External Affairs are concerned, Part I of Schedule II of the **State Emblem of India (Regulation of Use) Rules, 2007** reads as follows :

"SCHEDULE II

(See rule 7)

PART I

***CONSTITUTIONAL AUTHORITIES AND OTHER
DIGNITARIES WHICH MAY DISPLAY THE EMBLEM ON
THEIR CARS***

(i) ***cars of Rashtrapati Bhawan, when the following dignitaries or their spouses are traveling by such vehicles:***

- (a) *President,*
- (b) *visiting Heads of foreign States,*
- (c) *visiting Vice-Presidents of foreign State or*

- dignitaries of equivalent status,*
- (d) *visiting heads of foreign Governments or dignitaries of equivalent status like Crown Prince or Princess of a foreign State,*
 - (e) *the spare car following the car of the President;*
- (ii) ***car of Vice-President*** when he or his spouse is traveling by such vehicle;
- (iii) ***cars of Raj Bhawan and Raj Niwas***, if the emblem is adopted by, or incorporated in the Emblem of, that State or the Union territory, when the following dignitaries or their spouses are traveling by such vehicles within the State or the Union territory concerned:
- (a) *President,*
 - (b) *Vice-President,*
 - (c) *Governor of the State,*
 - (d) *Lieutenant Governor of the Union territory,*
 - (e) *Visiting Heads of foreign States, (f) Visiting Vice-Presidents of foreign States or dignitaries of equivalent status,*
 - (g) *Visiting Heads of foreign Governments or dignitaries of equivalent status;*
- (iv) ***cars and other means of transport used by the Heads of India's Diplomatic Missions*** in the countries of their accreditation;
- (v) ***cars and other means of transport used by the Heads of India's Counsellor posts*** abroad in the countries of their accreditation;
- (vi) ***cars maintained by the Protocol Division of the Ministry of External Affairs*** when in use for duty with the foreign dignitaries of the rank of Cabinet Ministers and above visiting India, and Ambassadors accredited to India on ceremonial occasions.”
- (Emphasis by us)

9. The writ petitioner has complained that the Ministry of Home Affairs and Ministry of External Affairs of the Government of India are not complying with the above requirements.

10. The writ petitioner relies on a communication from the respondent no.4 – Ministry of External Affairs, in which it admits that their cars are not registered.

11. So far as the necessity of registration is concerned, Section 39 of the Motor Vehicles Act, 1988 provides that “***no person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner***”.

12. A further important aspect which is pointed out is that the non-registration of cars impacts their insurance. In this regard, the petitioner addressed the communications dated 14th October, 2013; 4th November, 2013 and 28th April, 2015 to the respondents for affixing of the registration marks on their cars and also requesting action to be taken against violating authorities for not displaying registration marks.

13. On this issue, our attention has also been drawn to the communication dated 4th October, 2013 received by the petitioner which was addressed by the Ministry of Home Affairs of the Government of India to the Ministry of Road Transport and Highways. The same may usefully be extracted and reads thus :

“No.24/222/2012-Public
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

North Block, New Delhi
Dated the 4 October, 2013

Office Memorandum

Sub: CIC decision dated 13.9.2013 in case
no.CIC/SS/A/2013/000693 of Shri Rakesh Agarwal
under RTI Act, 2005.

The undersigned is directed to enclose a copy of the
CIC decision case No.CIC/SS/A/2013/000693 dated 13th
September, 2013 and RTI application dated 16.11.2012 of
Shri Rakesh Agarwal. In point no.2, the applicant had asked
to provided a copy of relevant provision of the applicable
Acts, Rules, Regulation or Notifications which authorises the
display of State Emblem of India in lieu of the registration
number.

2. **The State Emblem of India (Regulation of Use),
Rules, 2007 enlists the constitutional authorities and other
dignitaries who may display Emblem on their cars but there
is no such act & Rule administered by this Ministry
authorizing the public authorities to display the State
Emblem of India in lieu of the Registration number of the
vehicles.**

3. It is therefore, requested that if there are any such
Act/Rule/Regulation/Notification in the Ministry of Road
Transport and Highways through which the authorities and
dignitaries have been authorized to use the State Emblem of
India in lieu of Registration number, a copy of that relevant
Act & Rules etc. may kindly be sent immediately.

Encl: As above.

s/d
(Pandey Pradeep Kumar)
Under Secretary to the Govt. of India
Tel.No.2309 2421

To,

*Shri U D Bhargava,
Director,
Ministry of Road Transport & Highways,
Parivahan Bhavan, Sansad Marg,
New Delhi.
Fax No:23710195*

Copy to: *Shri Rakesh Agarwal, C/o Nyas Bhoomi, B-9,
Vikram Nagar, Firoz Shah Kotla, New Delhi-110002 w.r.t.
letter dated 16.11.2012."*

14. This communication effectively sets out the legal position that the requirement of registration of the vehicles and display of the registration number under the Motor Vehicles Act, 1988 is sacrosanct and has to be effected on all vehicles irrespective of the authority owning the same.

15. A bare examination of the above stated statutory provisions would show that they nowhere provides an exception to the compliance with the requirements of the Motor Vehicles Act, 1988 and Rules framed thereunder. There is therefore, no manner of doubt that every vehicle on the roads of Delhi has to comport to the requirement of the Motor Vehicles Act and Rules thereunder irrespective of the ownership. It has to be registered with the registering authority and must display the registration number on the vehicles.

16. Pursuant to the notice issued by us, the Ministry of Road Transport and Highways has filed a status report.

This status report informs us that the Ministry of Road

Transport and Highways has issued letters dated 2nd January, 2018 to the Offices of the President of India; Vice-President of India; Governors and Lt. Governors as well as the Secretary of External Affairs to ensure that all vehicles be registered, if not already done, and that they display the registration mark as per their Rules. A reminder dated 2nd February, 2018 on this aspect stands issued by the Ministry of Road Transport and Highways.

17. The status report dated 26th February, 2018 states that the Ministry of Road Transport and Highways has been informed by the Vice-President Secretariat by its letter dated 6th February, 2018 that all vehicles of the Secretariat display the registration number including those being used by the Vice-President of India as well as his spouse.

18. Similar information has been received from the office of the Governor of Kerala. The Ministry of External Affairs vide its letter dated 6th February, 2018 has informed that it has initiated the process of registration of 14 vehicles which are used during the visit of the foreign dignitaries.

19. The Transport Department of Government of NCT of Delhi has also requested the Ministry of External Affairs to get the 14 vehicles registered. We are informed by Mr. Rajesh Gogna, Central Government Standing Counsel for the respondent nos.3 to 5 that the process thereof has been commenced.

20. An affidavit stands filed by Ms. Asha Chaudhary Malhotra, Deputy Commissioner (Operations) of the Government of NCT of Delhi to the effect that all vehicles belonging to the President of India; Vice-President of India; Lt. Governor of Delhi and LG Secretariat; the

Delhi Police and the Transport Department are registered with the competent authority of Delhi.

21. In this view of the matter, the legal position set out by the petitioner is substantiated by the statutory provisions extracted above. This position has been accepted by the respondents and actions pursuant thereto stand taken.

22. The respondent nos.2 and 3 shall ensure that the steps for securing registration of the remaining vehicles are completed at the earliest.

23. The action taken report shall be filed before us with two months from today with advance copy to the petitioner. If the same is not so done, liberty is given to the petitioner to inform this court for further action.

24. In view of the above, the writ petition is allowed in the above terms. We also record partial satisfaction.

Dasti to the parties.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 18, 2018

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