

APHC010254802024

IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI

Bench Sr.No:-
2
[3443]



WP(PIL) NO: 116 of 2024

Thandava Yogesh

...Petitioner

Vs.

The State of Andhra Pradesh and others

...Respondents

Sri Thandava Yogesh, party in person appearing for the petitioner.

Learned Government Pleader for Panchayat Raj and Rural Development, learned Government Pleader for Home, learned Government Pleader for Municipal Administration and Urban Development, learned Government Pleader for General Administration and Ms. S. Pranathi, Advocates for the respondents.

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE NINALA JAYASURYA**

DATE : 26th June 2024

P C :

The present petition highlights certain serious shortcomings in regard to implementation of the Motor Vehicles Act and the Rules framed there under and in particular, Rule 167A of the Central Motor Vehicles (Seventeenth Amendment) Rules, 2021 (for short, "the Rules").

What is sought to be highlighted is that in the State of Andhra Pradesh, as per the data which is placed on record, there were approximately 3703 accidental deaths out of which 3042 were attributed to deaths due to non-use of protective headgear by two wheeler drivers. Photographs have been placed on record purportedly taken at a very busy junction in the city of Vijayawada which does show that out of a number of two wheeler drivers and even the pillion riders, none of them seems to be wearing any protective

headgear. The position, it is stated, is commonly seen elsewhere also on other roads in the state of Andhra Pradesh.

What is sought to be highlighted is that the official machinery has failed to implement the rules regarding the enforcement of the requirement to wear protective headgear especially for two wheeler drivers as also their pillion riders.

Rule 167A of the Rules envisages the enforcement of road safety through electronic devices which include speed camera, closed circuit television camera, speed gun, body wearable camera, dashboard camera, automatic number plate recognition (ANPR), weigh in machine (WIM) and any such other technology specified by the State Government. It is stated that while the city of Vijayawada appears to have been covered under the surveillance cameras installed on major roads, no effort appears to have been made with a view to ensure proper enforcement of the requirement to wear helmets.

The issues highlighted in the present petition are indeed of wide public importance and need to be considered seriously. We, therefore, direct the respondents to file a detailed reply giving the details with regard to implementation of the provisions of Rule 167A in the state of Andhra Pradesh and in particular, the cities which find a mention in the table appended to the said Rule which includes, among others, the cities of Vijayawada, Visakhapatnam and others numbering 13 in all.

The department of Police dealing with traffic should also reflect as to the number of people who have been challaned on account of non-user of protective headgear, the number of physical checks conducted by the traffic police authorities and the amount of fine collected based thereupon.

The Legal Services Authority as also the police authorities are directed to start campaigns with regard to highlighting the evil effects on account of non-user of the protective headgear. The drive should be publicized in

vernacular and English papers which have wide circulation in the state of Andhra Pradesh besides publicizing in the electronic media. Date should be fixed informing the citizenry and in particular, those who are using two wheelers, that beyond a particular date, there would be absolutely zero tolerance towards those who are found to be violating the provisions of the Motors Vehicles Act and the Rules framed there under.

The Legal Services Authority is also directed to take steps in conjunction with the state authorities to start campaigns informing the people with regard to the aforementioned issues.

The other issue which is highlighted by the learned counsel for the petitioner is with regard to wearing of body cameras, which are to be worn by the law enforcement officers.

The purpose for the use of body cameras by the law enforcement officers i.e., police and transport officials, who manage the traffic or carry out any enforcement drive, is quite clear and that is to record the proceedings of an event, which can be used in the Court as an evidence against the offending driver or person and also ensure that the law enforcement official has acted as per the provisions of law while penalizing the offending driver or person.

Learned counsel for the respondents, while filing a detailed affidavit, shall also place on record the steps that have been taken by the Government with regard to compliance with the statutory provisions.

List on 21.08.2024.

DHIRAJ SINGH THAKUR, CJ

NINALA JAYASURYA, J

AMD