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CWP-27609-2017(O&M)

**Court on its own motion Vs. Chandigarh Administration & Ors.**

Present: Mr. Anil Saini, Advocate for the applicant.

Mr. P.S. Paul, Addl. P.P., U.T., Chandigarh.

Mr. Saurav Khurana, Addl. A.G., Punjab.

Mr. Deepak Balyan, Addl. A.G., Haryana.

Mr. S.P. Jain, Assistant Solicitor General of India with  
Ms. Gurmeet Kaur Gill, Sr. Panel counsel for UOI.

Mr. P.S. Hundal, Sr. Advocate with  
Mr. Mrigank Sharma, Advocate and  
Mr. Gurparmeet Singh, Advocate for SGPC.

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CM-17412-CWP-2024

Allowed as prayed for. Affidavit filed on behalf of S.G.P.C, is  
taken on record.

Main Case

The amendment carried out in the Motor Vehicles Act, 1988  
w.e.f. 15.02.2022 substituting the earlier Section 129, is reproduced  
hereunder for ready reference:-

***“129. Wearing of protective headgear-Every  
person, above four years of age, driving or riding or being  
carried on a motorcycle of any class or description shall, while  
in a public place, wear protective headgear conforming to such  
standards as may be prescribed by the Central Government.***

***Provided that the provisions of this section shall  
not apply to a person who is a Sikh, if, while driving or riding  
on the motorcycle, in a public place, he is wearing a turban:***

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*Provided further that the Central Government may by rules provide for measures for the safety of children below four years of age riding or being carried on a motorcycle.*

*Explanation- "Protective headgear" means a helmet which-*

*(a) by virtue of its shape, material and construction, could reasonable be expected to afford to the person driving or riding on a motorcycle a degree of protection from injury in the event of an accident; and*

*(b) is securely fastened to the head of the wearer by means of straps or other fastenings provided on the headgear."*

A bare perusal of the aforesaid provision reveals that except for a person belonging to Sikh religion, who is wearing a turban, no other person (male or female) while driving or riding on the motorcycle in a public place, is exempted from wearing a headgear conforming to the standards, as prescribed by the Central Govt.

Learned counsel appearing for the State of Punjab, Haryana and U.T., Chandigarh are directed to file in a tabular illustration the number of challans issued against females driving or pillion-riding motorcycle without head-gear.

Adjourned to 04.12.2024.

**(SHEEL NAGU)  
CHIEF JUSTICE**

**24.10.2024**  
lucky

**(ANIL KSHETARPAL)  
JUDGE**