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MANINDERJIT SINGH BITTA

v.

UNION OF INDIA & ORS.

(Writ Petition (Civil) No. 510 of 2005)

B

MAY 8, 2008

**[DR. ARIJIT PASAYAT, C.K. THAKKER AND
LOKESHWAR SINGH PANTA, JJ.]**

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*Motor Vehicles Rules, 1989 – r. 50 – Scheme of High Security Registration Plate (HSRP) – Introduction of, by amendment of r. 50 and by issuing Notifications – Norms for the scheme fixed by Supreme Court in the judgment passed in *Association of registration Plates case – Writ petition before Supreme court seeking implementation of the judgment – Held: Scheme was introduced in view of public safety and security of citizens – Direction to states and Union Territories to take definite decisions regarding giving effect to amended r. 50 and scheme of HSRP.*

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Writ petition was filed before this court seeking implementation of the judgment passed in *Association of Registration Plates v. Union of India and Ors. whereby norms of having High Security Registration Plate (HSRP) has been fixed. It was contended that despite the judgment , the scheme of HSRP was yet not implemented.

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Disposing of the appeal, the Court

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HELD: The High Security Registration Plate Scheme (HSRP) appears to have been introduced keeping in view the public safety and security of the citizens. It appears that some of the States have not yet floated the tenders and in some cases after the tenders have been floated there appears to be no noticeable progress. It would be in the interest of all concerned, if the States and the Union Territories take definite decision as to whether there is need for giving effect to the amended Rule 50 of Motor

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Vehicles Rules 1989 and the Scheme of HSRP and the modalities to be followed. Let necessary decisions be taken, if not already taken, within a period of six months from the date of this decision. While taking the decision the aspects highlighted by this Court in the decision in *Association of Registration Plates shall be kept in view. [Paras 5, 6, 8 and 9] [1190-B,E,F,G]

**Association of Registration Plates vs. Union of India and Ors. 2005 (1) SCC 679 – referred to.*

CIVIL ORIGINAL JURISDICTION : Writ Petition (Civil) No. 510 of 2005.

Vikas Singh, ASG, K.N. Balgopal, Adv. Genl. Mukul Rohtagi, S.K. Dubey, V.A. Bobde, Sunita Sharma, W.A. Qadri, D.S. Mahra, B. Krishna Prasad, G. Prakash, Arputham Aruna & Co. Hemantika Wahi, Anil Katiyar, V.G. Pragasam, Krishnanand Pandeya, Sanjay R. Hegde, Vikrant Yadav, Amit Kr. Chawla, Ramesh S. Jadhav, Anis Suhrawardy. S. Mehdi Imam, Tabrez Ahmad, Radha Shyam Jena, Aruneshwar Gupta, Ranjan Mukherjee, B.S. Banthia, Vikas Upadhyay, Avijit Bhattacharjee, R. Satish, Gopal Singh, Rajesh Srivastava, Ramesh Babu M.R., D. Bharthi Reddy, Kamini Jaiswal, B.B. Singh, Arun K. Sinha, Anurab Choudhary, Saket Singh, Neena Singh, Vikas Mehta, T.V. George, A. Subhashini, Khwairakpam Nabin Singh, Ratan Kumar Choudhuri, Binod K. Upadhyay, M/s Corporate Law Group, Reena Singh, Vivek Singh, Jatinder Kumar Bhatia, S. Balaji, Madhusmita Bora, Ritu Raj, Anil Shrivastav, U. Hazarika, Satya Mitra, Sumita Hazarika, Pramod Swarup, A. Mariarputham (for M/s. Aruputham Aruna & Co.), K.N. Madhusoodhanan, Pragya Baghel, Nabin Sharma and Riku Sharma (for M/s. Corporate Law Group) for the Appearing parties.

The Judgment of the Court was delivered by

DR. ARIJIT PASAYAT, J. 1. This Writ Petition is purported to have been filed in Public Interest. The prayer essentially is

A implementation by the State and Union Territories of the
judgment of this Court in *Association of Registration Plates v.*
B *Union of India & Ors.* [2005(1) SCC 679]. By the said judgment
terms and conditions of notices inviting tenders from
manufacturers for the purpose of implementing Section 41(6)
of the Motor Vehicles Act, 1988 (in short the 'Act') and Rule 50
C of the Motor Vehicles Rule, 1989 (in short the 'Rules') were
considered. Grievance is made that though in the aforesaid
judgment the norms were fixed and the desirability of having
the High Security Registration Plate (in short the 'HSRP') has
D been highlighted nothing concrete has been done. According
to the petitioner, in order to curb the growing menace of crime
and terrorist activities using motor vehicles as a tool, the Central
government came out with a new scheme of HSRP. Accordingly,
E Rule 50 of the Rules was implemented by the Central
Government in exercise of powers under Section 41(6) of the
Act read with Section 64(d) of the Act by Notification dated
28.3.2001. Instead of old method of obtaining registration
number from the RTO and getting the number plate made from
open market, a new system was introduced regulating the
F issuance and fixing of the number plate. Subsequently, two more
notifications dated 22.8.2001 and 16.10.2001 were issued to
make the requirement of the scheme complete. The dispute in
the earlier decision related to the terms and conditions of Notices
Inviting Tenders (NITs) for supply of HSRP for motor vehicles.
The tenders had been issued by various State Governments on
the basis of guidelines circulated by the Central Government
for implementing the provisions of the Act and the newly
amended rules. In paras 10, 11 & 12 it was noted as follows:

G "10. The main features of the high security registration
plates as provided in Rule 50 and the Order of 2001 are
as follows:

1. It provides for a solid aluminium plate.
 2. The plate should be suitable for hot stamping and
would be a reflective sheet.
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3. The plate should bear the letters "IND" in blue colour. A
 4. It should have a chromium-based hologram which shall also be hot-stamped.
 5. There would be a third registration mark which would be self-reflective being a chromium-based hologram sticker and which would be affixed on the windshield of the vehicle. B
 6. The plate on the rear shall be fastened with non-removable/ non-reusable snap-lock fitting system. C
11. The abovementioned features to the high security registration plates have been insisted upon for the following reasons:
1. Hot chromium-based hologram would prevent counterfeiting. D
 2. The ingress letter "IND" on the plate would secure national identity and standardisation.
 3. The laser-etched seven-digit code to be given by the manufacturer to each plate is with a view that there should be a sequential identification of individual registration plates across the country. This would act as a watermark and would not be erasable by any mechanical or technical process. E
 4. Snap-lock to be fitted on the rear portions of the vehicle would be tamper-proof. Any attempt to remove the plate would break it. F
 5. The reflective sheet of superior grade would be visible from a minimum of 200 metres. G
 6. The alphanumeral would be easily readable and identifiable.
 7. On alphanumeral border, ingress letters "IND" would prevent painting and screen printing which would act as protection against counterfeiting. H

A 8. The sticker to be affixed on the windshield would have seven-digit laser code containing the engine number and the chassis number. This is so designed as to be self-destructive upon removal.

B 12. After Rule 50 was amended and the New High Security Registration Plates (Amendment) Order, 2001 was issued in purported exercise of power under Section 109(3) of the Act, the Ministry of Road Transport and Highways vide its letter dated 6-3-2002 circulated the minutes of the meeting of 4-3-2001 held between the representatives of all States and Union Territories on introduction of the new system of registration plates. A series of meetings were held by the Union with the States. Eventually, on 6-3-2002 the Union laid down guidelines for incorporating necessary conditions in the notices inviting tenders to be issued by the various States. In substance, the guidelines suggest as follows:

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1. The tender document would specify whether the appointment of the vendor was for the whole State or for certain parts.
 2. The tender document would specify the terms of the bank guarantee.
 3. The tender document would require a report-back on certain aspects on "a periodic and regular basis".
 4. The bidder must furnish proof of past experience/ expertise in this area or proof of the same with a collaborator."

G 2. This Court after analyzing the various provisions and the intent of the prescription dismissed the writ petitions filed directly before this Court and transferred from the High Courts.

H 3. It is contended by the petitioner that the scheme as contained in the Notifications dated 22.8.2001 and 16.10.2001 are as follows:

(i) It prescribes the high security technical features that the plates must contain. These features are such that the plates cannot be duplicated, removed or replaced. It also ensures that the identification and tracking of the vehicle is certain and easier. A

(ii) It is mandatory that the intending manufacturer must obtain a Type Approval Certificate (TAC) from one of the notified agencies. The companies submit samples which are certified to be technically complying with the requirements of Rule 50. B

(iii) The implementing agency is the State through its RTO. The RTO has to issue the number as well as the plate which shall be fixed in the premises of RTO by the selected manufacturer." C

4. It is pointed out that the primary grounds for rejection of the stand of the writ petitioners in the aforesaid case are as follows: D

(a) The imposition of strict conditions is in furtherance of the object sought to be achieved. E

(b) There is no scope for trial and error. The State has the onerous duty to ensure that it eliminates 'fly by night' operates who claim that they can deliver but have neither experience nor financial capacity to deliver. They are there to somehow get the work. F

(c) Till date the technology to manufacture the plates has not developed in India. Thus there cannot be a pure Indian Manufacturer without a JV partner.

(d) The conditions are fair and reasonable. They are not arbitrary and are free from malafides. G

(e) The fact that there are few manufacturers who can pass the eligibility test does not mean that monopoly is created in their favour or that the conditions are tailor made. H

A (f) The term of 15 year contract and selection of one manufacturer for the whole State was also held to be non arbitrary and reasonable. The argument about creation of monopoly was also rejected.”

B 5. Grievance of the petitioner and the intervener i.e. All India Motor Vehicles Security Association is that subsequent to the judgment the scheme of HSRP is yet not implemented in any State except the State of Meghalaya and other States are still repeating the processing of the tender. The prayer therefore is that the purpose of introducing the scheme should be fulfilled letter and spirit. The objective being public safety and security there should not be any lethargy. It is pointed out that most of the States floated the tenders and thereafter without any reason the process has been slowed down. From the details filed, the various States and the Union Territories can be categorised as follows:

CATEGORY	STATUS OF STATE WISE N.I. fs. AND POSITION VIS-À-VIS JUDGMENT OF THIS HON'BLE COURT IN ASSOCIATION OF REGISTRATION PLATES & ORS.V. UNION OF INDIA (2005(1) SCC 679)
CATEGORY-1	States who had defended the Tender conditions before this Hon'ble Court and cancelled the tender after 30.11.2004, the date of judgment in 2005(1) SCC 679. <ol style="list-style-type: none"> 1. Jammu & Kashmir 2. Punjab 3. Haryana 4. Maharashtra 5. Pondicherry
CATEGORY-II	States who had defended the Tender conditions before this Hon'ble Court and thereafter re-floated fresh Tender in

	consonance with the judgment of the Hon'ble Court in 2005(1) SCC 679. 1. Kerala 2. Rajasthan 3. Dadra N. Haveli 4. Daman & Diu	A
CATEGORY III	States who had defended the Tender conditions before this Hon'ble Court and subsequently re-floated Tender without the essential conditions and what was defended before this Hon'ble Court. 1. West Bengal 2. Tamil Nadu	B
CATEGORY - IV	States who have issued Tender after the judgment of this Hon'ble Court in 2005(1) SCC 679 in consonance with the Tender conditions upheld in the said judgment. 1. Karnataka 2. Goa 3. Mizoram 4. Manipur	C
CATEGORY-V	States who had defended the Essential Tender conditions before this Hon'ble Court and subsequently awarded the same Tender. 1. Nagaland 2. Meghalaya	D
CATEGORY VI	States who have issued the Tender after 30.11.2004 without the essential tender conditions. 1. Assam 2. Tripura 3. Andaman & Nicobar	E
CATEGORY VII	The state of Uttar Pradesh who had	F
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A		issued the notice inviting Tender on 27.4.2003 without the essential conditions and the Letter of Intent though issued on 07.5.2003 the contract is yet to be signed. State of Uttar Pradesh be directed to issue fresh Tender with the essential conditions.
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6. It appears that some of the States have not yet floated the tenders and in some cases after the tenders have been floated there appears to be no noticeable progress.

7. The Union of India and some of the States have questioned the locus standi of the petitioner to file the petition and have stated that this is not a Public Interest Litigation and some of the business concerns who will be benefited from the tenders have put up the petitioner as a front to add legitimacy to the cause. It is stated that ultimately it is the business interest which is lurking in the background and in commercial matters this Court should not interfere.

8. Without going into the question as to whether the petition is a bonafide Public Interest Petition, we feel it would be in the interest of all concerned if the States and the Union Territories take definite decision as to whether there is need for giving effect to the amended Rule 50 and the Scheme of HSRP and the modalities to be followed.

9. Needless to say the scheme appears to have been introduced keeping in view the public safety and security of the citizens. Let necessary decisions be taken, if not already taken, within a period of six months from today. While taking the decision the aspects highlighted by this Court in the earlier decision needless to say shall be kept in view.

10. The writ petition is accordingly disposed of alongwith the I.A. for intervention without any order as to costs.

K.K.T.

Appeal disposed of.