

**Vehicle Tracking System mandatory for all commercial vehicles**

In *Samidha Society vs. State*, CWP No. 7784 of 2010-I with CWP No. 1916 of 2009 - decided on 30.11.2012, the Hon'ble Himachal Pradesh High Court has directed that the Vehicle Tracking System should be installed on all commercial vehicles registered in the State of Himachal Pradesh, as the biggest culprits in regard to motor vehicle accidents are commercial vehicles. It would also help in preventing illegal activities and tracing out criminals.

**It was directed thus:**

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*Coram:*

**Hon'ble Mr Justice Deepak Gupta, Judge.**

**Hon'ble Mr Justice Sanjay Karol, Judge.**

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“ We are strongly of the view that the Vehicle Tracking System should not only be installed in taxis or buses belonging to the HRTC, but should be installed on all commercial vehicles registered in the State of Himachal Pradesh. Our experience has been that maximum number of accidents are caused due to rash and negligent driving. When the accident occurs then the burden is put on the exchequer of the State on various counts including treatment of patients, blockage of roads etc. etc. It is also our experience that the biggest culprits in regard to motor vehicle accidents are commercial vehicles especially those commonly referred to as utility vehicles and mini buses.

The time has come when we must take the help of advanced technology to monitor the movement of vehicles. This will not only help in tackling the traffic problems but would be a great help in detection of crime, prevention of illegal activities and tracing out criminals. Some of the benefits which we can point out off the cuff are:-

1. Speed of vehicles involved in the accidents can be verified from the Vehicle Tracking System.
2. In case of hit and run accidents, it can be easily determined which vehicle was at a particular point when the accident took place.

3. It will help in determining whether the vehicles are complying with the speed limits.
4. It will be very easy to determine whether the permit holders of stage carriage route permits are complying with the time table granted to them since this issue gives rise to huge amount of litigation.
5. It will help in tracing out stolen vehicles.
6. In narcotic cases whenever a seizure of contraband is made from a commercial motor vehicle it will be very easy to trace out the history of the place(s) where the vehicle has been taken and it will be easy to determine from where the contraband /narcotic was purchased by the persons travelling in such vehicles
7. It will be helpful in determining whether a particular vehicle belonging to an accused was at the scene of crime at a particular time and this would be of great help in solving a huge number of criminal cases.
8. In the State of Himachal Pradesh, environment is a big issue and there are thousands of cases of illegal mining from river beds, illicit felling of trees from forest areas and illegal dumping of debris in areas which are not earmarked as dumping sites. In all such cases, it will be very easy to determine which vehicle was in a river bed or which vehicle was at a place where the illicitly felled timber was loaded or which vehicle was at a place where the debris has been illegally dumped within a particular time period. This evidence will be of great help in convicting the offenders and shall also act as a deterrent for use of commercial vehicle for such illegal purpose.

We can multiply the benefits of the Vehicle Tracking System but we are sure that in case such system is installed in commercial vehicle as a start, it will be of great help to the State and the cost of installing this system is very small as compared to the benefits which can be derived from the system.

We, therefore, direct that from 1st April, 2013, all new commercial vehicles registered in the State of Himachal Pradesh must be fitted with Vehicle Tracking System. All older commercial vehicles, which are brought for passing/ renewal of route permit/fitness certificate/registration etc., should at the time of such renewal fitted with a Vehicle Tracking System. The owner of the vehicle must bear the cost of installation of Vehicle Tracking System. We are sure that if the scheme is made compulsory and this system is installed in thousands of vehicle, both the installation costs as well as running costs will reduce dramatically.

We constitute a Committee, comprising of the Chief Secretary, to the Government of Himachal Pradesh, Principal Secretary (Transport), Principal Secretary (Excise), Principal Secretary (Finance), Principal Secretary (Home), Director General of Police and Mr. H.K. Gupta, Divisional Manager (Traffic), HRTC to frame a scheme in line with the directions given above, so that the Vehicle Tracking System is compulsory installed in all commercial vehicles registered in the State of H.P. with effect from 1<sup>st</sup> April, 2013. We further direct that in the same scheme a penal clause must be incorporated making it a penal offence to tamper with or destroy the Vehicle Tracking System and the permission to run a commercial vehicle to the owner of such vehicle should be cancelled in addition to levying monetary and other penalty.

Since we have constituted a High Powered Committee we would also like this committee to look into one other matter. The access to Himachal from Chandigarh side at Parwanoo is now through the new Himachal Express Way. This road is a state of the art highway and one of the finest in the country. We are proud of this achievement of the State. However, the reception which a visitor to Himachal gets at the entry point of Himachal is to take him back to the dark ages. He is faced with an entry toll barrier manned by uncouth and rude persons who are not in uniform and who block the road with ropes. We fail to understand why there cannot be proper electronically/mechanically operated toll barriers at the entry points. We have been informed that in the contracts which were entered into by the State of Himachal Pradesh with the contractors, who have been given the right to collect toll at these barriers, there was a condition that such electronically/mechanically operated toll barrier should be fixed, but we have not found single such barrier at any entry point of Himachal.

Receipts given on these barriers are small printed slips and the State can never determine what is the amount actually earned by the contractor. We are sure that huge amount of government revenue in the shape of taxes is swindled by either not issuing any receipt or issuing receipts which are an apology in the name of receipts. In case there are mechanically/electronically operated barriers and electronically generated receipts are given to every vehicle it shall be very easy for the State to determine what is the total amount collected by the contractor and this

would make it easy for the State to determine what should be the maximum reserve price for auction in the next year.

Therefore, we also direct that with effect from 1<sup>st</sup> April, 2013 all the barriers at the major entry points in the State of Himachal Pradesh such as Paonta Sahib, Kala Amb, Parwanoo, Swarghat, Mehatpur, Damtal, Pathankot Highway etc. are fixed with mechanically/electronically barriers. In case such barriers are not installed the State shall not be entitled to collect any toll. If these barriers are installed then the entry point to the State will project Himachal Pradesh as a progressive State and not a State living in the dark ages. We further direct that all persons manning such toll barriers should wear proper uniform and should be trained to be courteous to the visitors. The Committee may frame a scheme in this regard and give its suggestions to the Court by the next date.”

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