

The Hon'ble Supreme Court in **Avishek Goenka vs. Union of India, (2012) 5 SCC 321; JT 2012 (4) SC 419 ; 2012(4) SCALE 602**, prohibited the use of black films of any VLT (Visual Light Transmission) percentage or any other material upon the safety glasses, windscreens (front and rear) and side glasses of all vehicles throughout the country with effect from 4th May, 2012, keeping in view the alarming rise in heinous crimes. It was held by the Hon'ble Court as under:

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**SUPREME COURT OF INDIA**

**Bench**

Hon'ble Mr Justice S.H. KAPADIA,  
Hon'ble Mr Justice A.K. PATNAIK &  
Hon'ble Mr Justice SWATANTER KUMAR.

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**Swatanter Kumar, J.-**

Alarming rise in heinous crimes like kidnapping, sexual assault on women and dacoity have impinged upon the right to life and the right to live in a safe environment which are within the contours of Article 21 of the Constitution of India. One of the contributory factors to such increase is use of black films on windows/windshields of four-wheeled vehicles. The petitioner, as a public spirited person, has invoked the extra-ordinary jurisdiction of this Court under Article 32 of the Constitution in the present public interest litigation, praying for certain directions to stop this menace.

3. The use of black films upon the vehicles gives immunity to the violators in committing a crime and is used as a tool of criminality, considerably increasing criminal activities. At times, heinous crimes like dacoity, rape, murder and even terrorist acts are committed in or with the aid of vehicles having black films pasted on the side windows and on the screens of the vehicles. It is stated that because of non-observance of the norms, regulations and guidelines relating to the specifications for the front and rear windscreens and the side windows of the vehicles, the offenders can move undetected in such vehicles and commit crimes without hesitation.

4. The word 'tinted' means shade or hue as per the dictionary. The rear and front and side glasses of vehicles are provided with such shade or tint, and therefore, they are widely referred to as 'tinted glasses', which is different from 'black films'. The glasses of the vehicles having a coating of black films cannot be termed as 'tinted glasses' because they are not manufactured as such.

5. Besides aiding in commission of crimes, black films on the vehicles are also at times positively correlated with motor accidents on the roads. It is for the reason that the comparative visibility to that through normal/tinted glasses which are manufactured as such is much lesser and the persons driving at high speed, especially on highways, meet with accidents because of use of black filmed glasses. The use of black films also prevents the traffic police from seeing the activity in the car and communicating with the driver of the vehicle.

7. The Court can take a judicial notice of the fact that even as per the reports, maximum crimes are committed in such vehicles and there has been a definite rise in the commission of heinous crimes, posing a threat to security of individuals and the State, both.

25. However, the prayer relating to issuance of directions prohibiting use of black films on the glasses of vehicles certainly has merit. On the plain reading of the Rule, it is clear that car must have safety glass having *VLT (Visual Light Transmission)* at the time of manufacturing 70 per cent for windscreen and 50 per cent for side windows. It should be so maintained in that condition thereafter. In other words, the Rule not impliedly, but specifically, prohibits alteration of such VLT by any means subsequent to its manufacturing. How and what will be a "safety glass" has been explained in Explanation to Rule 100. The Explanation while defining 'laminated safety glass' makes it clear that two or more pieces of glass held together by an intervening layers of plastic materials so that the glass is held together in the event of impact. The Rule and the explanation do not contemplate or give any leeway to the manufacturer or user of the vehicle to, in any manner, tamper with the VLT. The Rule and the IS only specify the VLT of the glass itself.

27. Thus, on the plain reading of the Rule and the IS standards, use of black films of any density is impermissible. Another adverse aspect of use of black films is that even if they reflect tolerable VLT in the day time, still in the night it would clearly violate the prescribed VLT limits and would result in poor visibility, which again would be impermissible.

29. Use of these black films have been proved to be criminal's paradise and a social evil. The petitioner has rightly brought on record the unanimous view of various police authorities right from the States of Calcutta, Tamil Nadu and Delhi to the Ministry of Home Affairs that use of black films on vehicles has jeopardized the security and safety interests of the State and public at large. This certainly helps the criminals to escape from the eyes of the police and aids in commission of heinous crimes like sexual assault on

women, robberies, kidnapping, etc. If these crimes can be reduced by enforcing the prohibition of law, it would further the cause of Rule of Law and Public Interest as well.

**Directions of the Hon'ble Supreme Court:**

“37. Another issue that has been raised in the present Writ Petition is *that certain VIPs/VVIPs are using black films on their vehicles for security reasons. Even this practice is not supported by law, as no notification by the competent authority has been brought to our notice, giving exemption to such vehicles from the operation of Rule 100 or any of its provisions.* Be that as it may, we do not wish to enter upon the arena of the security and safety measures when the police department and Home Ministry consider such exemption appropriate. The cases of the persons who have been provided with Z and Z+ security category may be considered by a Committee consisting of the Director General of Police/Commissioner of Police of the concerned State and the Home Secretary of that State/Centre. It will be for that Committee to examine such cases for grant of exemption in accordance with law and upon due application of mind. These certificates should be provided only in relation to official cars of VIPs/VVIPs, depending upon the category of security that such person has been awarded by the competent authority. The appropriate government is free to make any regulations that it may consider appropriate in this regard.

38. *The competent officer of the traffic police or any other authorized person shall challan such vehicles for violating Rules 92 and 100 of the Rules with effect from the specified date and thereupon shall also remove the black films from the offending vehicles.*

40. For the reasons afore-stated, *we prohibit the use of black films of any VLT percentage or any other material upon the safety glasses, windscreens (front and rear) and side glasses of all vehicles throughout the country. The Home Secretary, Director General/Commissioner of Police of the respective States/Centre shall ensure compliance with this direction.* The directions contained in this judgment shall become operative and enforceable with effect from 4th May, 2012.”

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