

**No.RT-11021/04/2020-MVL**  
**Government of India**  
**Ministry of Road Transport & Highways**  
Transport Bhawan,1, Parliament Street, New Delhi-110001.

the 09<sup>th</sup> November, 2020.

To

The Principal Secretaries/ Secretaries, Departments of Transport,  
Transport Commissioners of All States/UTs.

**Subject:- D.B. CWP No. 7110 of 2020 filed by Safe Drive Save Life (SDSL) and Anr. versus Union of India before the Hon'ble High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur.**

Sir/Madam,

Please refer to the D.B. CWP No. 7110 of 2020 filed by Safe Drive Save Life (SDSL) and Anr. versus Union of India before the Hon'ble High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur.

2. The Hon'ble Court vide order dated 29.09.2020 has directed the stay of the operation of the notification GSR 540 (E) dated 31/08/2020 w.r.t omission of provisions of use of Feracrylum Gel in first aid kits of motor vehicles.
3. It is requested to ensure compliance of the above-mentioned orders of Hon'ble Rajasthan High Court.

Yours faithfully

(Dr. Piyush Jain)  
Director (MVL)

Ph.:- 011-23714974

Email:- [director-morth@gov.in](mailto:director-morth@gov.in)

**Copy to:**

- (i) Chairman, SIAM, Core 4-B, 5th Floor, India Habitat Centre Lodhi Road, New Delhi, Delhi 110003.
- (i) DDG (NIC) - with request to place the above order on MoRTH website for info of all.



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

D.B. Civil Writ Petition No.7110/2020

Safe Drive Save Life (SDSL)

----Petitioner

Versus

Union of India

----Respondent



For Petitioner(s) : Mr. Sudhir Gupta, Sr.Adv. assisted by  
Mr. Vinay Kothari &  
Mr. Umang Gupta through VC  
For Respondent(s) : Mr. R.D. Rastogi, ASG through VC

**HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE PRAKASH GUPTA**

**Order**

**29/09/2020**

1. This public interest litigation had come to be filed seeking direction to the Union of India to withdraw the draft notification No.G.S.R. 377(E) dated 16/06/2020 and consequent actions undertaken.

2. After notices were issued in this matter, notification had come to be issued on 31/08/2020, wherein the Ministry of Road Transport and Highways issued a notification directing amendment to the Central Motor Vehicles Rules, 1989 as required under sub-section (1) of Section 212 of the Motor Vehicles Act, 1988 directing that in exercise of powers vested in the Union under Section 110 of the Motor Vehicles Act, 1988, the following amendment shall be carried out:-



"1. Short title and commencement.-(1) These rules may be called the Central Motor Vehicles (Eight Amendment) Rules, 2020.

(2) They shall come into force on the day of their publication in the Official Gazette.

2. In the Central Motor Vehicles Rules, 1989, in rule 138, in sub-rule (4) in clause (d), the words and figure "a tube of Feracrylum of 1% gel" shall be omitted.

3. In effect, in rule 138, in sub-rule (4) in clause (d), the words and figure "a tube of Feracrylum of 1% gel" was omitted.

4. This Feracrylum of 1% gel was directed to be included by virtue of an earlier notification dated 18/12/2019 for the reason that when any one travelling in a motor vehicle faces an accident hemorrhage occurs. Such hemorrhages are the second

most cause of death. Therefore, Haemostats have been proven in various forms to reduce hemorrhages and is extremely important for adding in the Safety Kits of motor vehicles and on this basis, the Union of India by its notification dated 18/12/2019 had come to direct inclusion of "a tube of Feracrylum of 1% gel" under Rule 138 in sub-rule (4) of the Central Motor Vehicles Rules, 1989.

5. Counter affidavit on behalf of the respondents reserving a right to file a detailed reply has come to be filed and accompanying therewith certain documents have been appended on the basis of which the Union of India took a decision to pass the impugned notification dated 31/08/2020.

6. We see, therefrom that under Annexure-CA/5, a communication has been received by the Union of India from the Society of Indian Automobile Manufacturers (SIAM) dated 20/01/2020 in which the aforesaid Society recommended as follows:-





- "1. To hold the implementation of the notification till the time 3 to 4 suppliers are available in the Indian market to cater to the huge volumes within all categories of the auto industry and to ensure uninterrupted supply.
2. To kindly specify the implementation date as date of manufacturing."

7. In other words, we find from the said document that the Ministry took into consideration the communication of the SIAM and had issued the impugned notification.

8. Mr. R.D. Rastogi, learned Additional Solicitor General placed reliance on the Minutes of Meeting of Experts constituted by the Ministry of Health & Family Welfare under the Chairmanship of Director General of Health Services in which, it was resolved, as under:-

"1. Based on the suggestions given by the experts during the previous meeting held on 19.03.2018, supportive documents were submitted by Themis Medicare, which were emailed to the experts for examination. During the meeting, the supportive documents submitted by Themis Medicare were re-examined by the experts.

2. As this meeting was being attended for the first time by MoRTH representative, therefore, it was enquired from Mr. Veerendra Singh Rathore, Technical Consultant (Road Safety) that the instant proposal has been examined in the Programme Division, as the email forwarded by Themis Medicare mentions that the matter has been referred by MoRTH to MoHFW. In this regard, MoRTH representative informed that MoRTH is in the process of updating the contents of the First Aid Kits in motor vehicles keeping in view the changes in technology and newer advances, and further requested that MoHFW may undertake this activity of updating the First Aid Kit to be placed in motor vehicles. In response to this, it was requested that a formal communication may be sent by MoRTH to MoHFW. During the meeting, the experts did not take into account other factors like cost.

3. After thorough examination of the documents, the experts were of the view that the Randomized Control Trial (RCT), as advised during the last meeting has not yet been completed; however, as per the current results of RCT, the product 'Feracrylum' has not been found to be either superior or inferior to Cetrimide for antimicrobial property, however, it has haemostatic property in addition to antimicrobial properties. Further, it was opined by the



experts during the meeting that Cetrimide solution and Feracrylum gel (1%/15gms) may both be used in First Aid Kits."

9. Therein, 'Feracrylum' has not been found to be either superior or inferior to Cetrimide for antimicrobial property, however, it has haemostatic property in addition to antimicrobial properties for their basis of suggesting addition of 'Feracrylum'.

10. The petitioner has prayed for stay of operation of the aforesaid impugned notification dated 31/08/2020.

11. After perusing the counter affidavit and the documents appended thereto and further keeping in consideration the original reason/objection for inclusion of Feracrylum vide notification dated 18/12/2019, we are of the considered view that ends of justice and the need of the public would be sub-served if the notification dated 31/08/2020 (Annexure-P/1) to the extent of exclusion of Feracrylum under Rule 138 of the Central Motor Vehicles Rules, 1989 is kept in abeyance.

12. The aforesaid directions are necessary in our considered view since the requirement of Feracrylum was added by the Union of India vide its earlier notification dated 18/12/2019 and such need still subsists. We record the fact that SIAM had made its recommendations noted hereinabove purportedly since allegedly there were limited suppliers of the said chemical and until more suppliers become available the same should be kept "on hold".

13. Learned counsel for the petitioner submits that presently in India there are more than three manufacturers of the said chemical. However, we are of the considered view that





availability of Feracrylum in the first aid box in the vehicles can save lives.

14. Accordingly, we direct the stay of operation of the impugned notification dated 31/08/2020 (Annexure-P/1).

15. The original notification including Feracrylum was issued by the Union of India on 18/12/2019 and, therefore, it is clear to be presumed therefrom that the views of the experts committee relied upon by the learned Additional Solicitor General had been taken into consideration by the Union of India for notifying the inclusion of the said "Feracrylum" under Rule 138 of the Central Motor Vehicles Rules, 1989 and, therefore, we find no merit in this submission.

16. Detailed counter affidavit be filed within six weeks.

17. Application No.1/2020 stands disposed of.

18. List the matter on 18/11/2020.

(PRAKASH GUPTA),J

(INDRAJIT MAHANTY),CJ

Anil Goyal/Rajat-13

