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SANCTITY OF LIFE VS. INFRASTRUCTURE GAPS: REDEFINING STATE RESPONSIBILITY IN HIGHWAY SAFETY.

ANALYZING IN RE: PHALODI ACCIDENT VS NATIONAL HIGHWAYS AUTHORITY OF INDIA AND ORS.

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CASE DETAILS –

Case Title: *In Re: Phalodi Accident Vs National Highways Authority Of India And Ors*

Citation: *2025 SCC OnLine SC 2428*

Court: *Supreme Court of India*

Bench: *Hon'ble Justice J.K. Maheshwari and Hon'ble Justice Atul S. Chandurkar*

INTRODUCTION

This case is a landmark *suo-motu* public interest litigation initiated by the Supreme Court of India, focusing on systemic administrative negligence, illegal encroachments, and severe infrastructural gaps causing high-fatality accidents on National Highways. Recognizing that while National Highways constitute only about 2% of India's road network, they account for nearly 30% of all road fatalities, the Court invoked its extraordinary powers to bridge enforcement gaps. Through this order, the Court explicitly elevates the "Right to Safe Passage" and accident-free commutes as integral facets of the fundamental **Right to Life under Article 21** of the Constitution of India.

FACTUAL BACKGROUND

The proceedings were triggered by two devastating, successive road accidents occurring on November 2nd and 3rd, 2025, which resulted in the tragic loss of 34 lives:

1. **Phalodi, Rajasthan:** An accident on the Bharatmala Expressway claiming 15 lives, which initially prompted local authorities to crack down on illegal roadside commercial establishments (*dhabas*).
2. **Rangareddy, Telangana:** A tragic collision near Hyderabad where a gravel truck ploughed into a government bus, killing 19 people.

On November 10, 2025, the Supreme Court took *suo-motu* cognizance of these incidents, noting that they were the direct result of evitable infrastructural failures and systemic negligence. The Court issued notices to State and National authorities, appointing Senior Advocate Mr. A.N.S. Nadkarni as *Amicus Curiae*, assisted by Advocates Mr. Jai Anant Dehardrai and Mr. Sughosh Subramanyam.

Following a series of recommendations by the *Amicus Curiae* (filed on 15.02.2026) and affidavits from the National Highways Authority of India (NHAI) mapping out proposed interim measures, the learned Solicitor General of India and the *Amicus Curiae* jointly submitted a practical list of actionable interim directions to secure highway safety during the pendency of the litigation.

ISSUES BEFORE THE COURT

1. Whether the lack of infrastructure (such as dedicated parking bays, wayside amenities, and proper lighting) and widespread illegal encroachments within the Right of Way (ROW) of National Highways violate the citizens' Right to Life under Article 21.
2. Whether there exists a breakdown of statutory enforcement and coordinate failure among federal and state bodies (NHAI, MoRTH, State Police, and District Administrations) regarding highway safety and unregulated heavy vehicle parking.
3. What immediate, uniform interim directions are required to eliminate accident blackspots, enforce driving hours, regulate unauthorized stopping, and establish emergency response mechanisms nationwide.

CONTENTIONS BY THE PARTIES

Submissions by the Amicus Curiae (Acting on behalf of Public Interest)

- **Systemic Failure:** Argued that illegal commercial structures (*dhabas*, eateries) and unauthorized parking of heavy commercial vehicles on highway carriageways/paved shoulders are structural hazards directly triggering catastrophic collisions.

- **Digital & Aerial Enforcement:** Advocated for an urgent technological overhaul, including drone-based aerial surveys to trace encroachments, and integrating Advanced Traffic Management Systems (ATMS) with real-time police alerts and eChallans.
- **Institutional Framework:** Proposed the mandatory creation of localized, multi-agency task forces to fix direct, joint administrative accountability on District Collectors and Superintendents of Police.

Submissions on behalf of the State / Union of India (NHAI, MoRTH & Solicitor General)

- **Adoption of Actionable Measures:** Rather than adopting an adversarial stance, the learned Solicitor General collaborated directly with the *Amicus Curiae* to submit joint, viable regulatory suggestions.
- **Infrastructural Commitments:** The NHAI placed its comments and additional affidavits on record, detailing the operationalization status of its *Rajmargyatra* mobile module, toll-free grievance helplines (1033), and commitments to build extensive truck lay-byes and deploy Basic Life Support (BLS) ambulances.

DECISION OF THE COURT

Reasoning

The Supreme Court emphasized that high-speed Expressways and National Highways must not be allowed to degenerate into "corridors of peril due to administrative lethargy." The Court observed that Article 21 does not merely prevent the unlawful taking of life by the State; it imposes a positive constitutional mandate upon the State to actively preserve human life and ensure a safe transit environment. The bench strictly reiterated that **"no pecuniary or administrative constraint can outweigh the sanctity of human life."**

Finding the joint suggestions to be highly practical, urgent, and necessary to address the root causes of highway fatalities, the Court invoked its sweeping powers under **Article 142 of the Constitution** to pass uniform, time-bound mandatory interim directions.

Actual Judgement (Interim Directions Issued)

The Court passed a comprehensive series of directions binding on NHAI, MoRTH, NHIDCL, State PWDs, and State Police forces, governed by strict compliance windows:

- **Parking & Enforcement (60 Days):** Absolute prohibition on heavy/commercial vehicles parking on highway carriageways or shoulders. Enforcement must utilize ATMS real-time alerts, GPS-timestamped photographic evidence, and integrated eChallans.
- **Encroachment Removal & Citizen Grievance (30 to 60 Days):** Immediate ban on new commercial structures within the Right of Way (ROW). Existing illegal structures must be demolished by District Magistrates within 60 days under the CNH Act, 2002. Drone-based aerial surveys (DRAMS) must be conducted twice annually. Full operationalization of the *Rajmargyatra* app and toll-free number 1033 is mandated.
- **Licensing Restraints (30 Days):** No local body or department shall grant or renew licenses/NOCs within highway safety zones without prior NHAI/PWD clearance. Existing licenses must be reviewed within 30 days.
- **District Task Forces (7 to 15 Days):** DMs must constitute a "District Highway Safety Task Force" within 7 days. District Collectors and SPs/Commissioners bear *joint personal responsibility* for timely encroachment clearance.
- **Zoning Norms (60 Days):** States must issue notifications prohibiting land-use changes within 40 meters (residential) and 75 meters (commercial) from the highway mid-point.
- **Emergency & Rest Infrastructure (60 Days):** NHAI must deploy BLS ambulances and recovery cranes at intervals not exceeding 75 km. Truck lay-byes and Wayside Amenities (incorporating rest areas, FSSAI-compliant food services, and 500m-visibility retro-reflective signage) must be constructed every 75 km, prioritizing the Amritsar-Jamnagar Highway.
- **Blackspot Rectification (45 Days to 4 Months):** A comprehensive list of accident blackspots must be published within 45 days. High-intensity LED/high-mast lighting, speed cameras, and transverse bar markings must be fully installed at these spots within 4 months.
- **Inter-State Coordination (60 to 75 Days):** MoRTH must submit a report within 60 days on creating an Inter-State Highway Safety Coordination Committee to standardize uniform driving-hour limits and penalty regimes. Consolidated compliance reports in tabular form must be submitted to the Court within 75 days.

CONCLUSION

In re Phalodi Accident, marks a significant shift from reactive post-accident compensation to proactive judicial mandamus aimed at systemic highway architecture overhaul. By fusing technological surveillance (Drones, ATMS, GPS eChallans) with immediate administrative accountability, the Supreme Court has set a rigid precedent: bureaucratic or financial delays cannot excuse highway fatalities. The matter has been listed after two months for strict compliance tracking, signaling that the apex court intends to closely monitor execution to safeguard the commuter's right to a safe journey.

