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Life is more valuable than cash; it is golden, says Supreme Court.

In S. RAJASEEKARAN v. UNION OF INDIA & ORS. [Decision dated 08-01-2025]

The court held that the golden hour of an accident victim is very precious and it should be replenished with emergency medical aid without waiting for the procedure of law or the flow of cash.

Section 162 of the Motor Vehicles Act, 1988 (for short, ‘the MV Act’) was brought into force from 1st April 2022. Section 162 reads thus: “162. Scheme for golden hour. — (1) Notwithstanding anything contained in the General Insurance Companies (Nationalisation) Act, 1972 (57 of 1972) or any other law for the time being in force or any instrument having the force of law, the insurance companies for the time being carrying on general insurance business in India shall provide in accordance with the provisions of this Act and the schemes made under this Act for treatment of road accident victims, including during the golden hour.

(2) The Central Government shall make a scheme for the cashless treatment of victims of the accident during the golden hour and such scheme may contain provisions for creation of a fund for such treatment.” (emphasis added) To understand the object of the scheme for the golden hour, it is necessary to consider the definition of the golden hour in Section 2 (12-A), which reads thus:

“(12-A) “golden hour” means the time period lasting one hour following a traumatic injury during which there is highest likelihood of preventing death by providing prompt medical care.”

“As can be seen from the definition, the one hour following a traumatic injury suffered in a motor accident is the most crucial hour. In many cases, if required medical treatment is not provided within the golden hour, the injured may lose his life. Section 162 is crucial in the present scenario where motor accident cases are ever-increasing.”

“7) Thus, the scenario which emerges is that Section 162, which incorporates the obligation on part of the Central Government to make a scheme for cashless treatment of victims of accidents during the golden hour and Section 164-B, which provides for the creation of motor vehicle accident fund, were brought on the statute book from 1st April 2022. However, the scheme, as contemplated by Sub-Section (2) of Section 162, has not seen the light of the day. As pointed out earlier, a motor vehicle accident fund has been created to provide treatment during golden hour in terms of Sub-Section (2) of Section 162, but the scheme does not exist. Under the Rules framed by notification dated 25th February 2022, in particular, Rule 11(c), it is provided that the GI Council shall administer the hit and run compensation amount from the motor vehicle accident fund under the supervision of the Trust. Rule 12 lays down a complete mechanism for disbursement from the fund for cashless treatment. We may also note here that the scheme is to be implemented by insurers as provided by Sub- Section (1) of Section 162.”

8) The provision made in Section 162 for framing a scheme for providing cashless treatment in the golden hour seeks to uphold and protect the right to life guaranteed by Article 21 of the Constitution. Moreover, it is a statutory obligation of the Central Government to frame the scheme. More than reasonable time was available to the Central Government to frame the scheme under Sub-Section (2) of Section 162. Once the scheme is framed and its implementation starts, it will save the lives of several injured persons who succumb to injury simply because they do not receive requisite medical treatment during the golden hour. We, therefore, direct the Central Government to make a scheme in terms of Sub- Section (2) of Section 162 of the MV Act as expeditiously as possible and, in any event, by 14th March 2025. No further time shall be granted. A copy of the scheme shall be placed on record on or before 21st March 2025, together with an affidavit of the concerned officer of the Ministry of Road Transport and Highways explaining the manner in which the scheme will be implemented.” Laws enacted, if kept frozen on the shelf, will rust the confidence of the public in the concept of rule of law. It requires the “sentinel on the quiver” (the Top Court) to wake up the ‘Kumbhakarna’, the state, from slumber.