

# Institutional and Legislative Assessment of Road Safety in India



# **Institutional and Legislative Assessment of Road Safety in India**

**Conducted by:**



**Consumer Unity & Trust Society**

**For**



**World Health Organisation**

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## Preface

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Road accidents are recognised as serious health problems globally. The problem is much more serious in India, as the country lost 1 50,785 lives in years 2016. India experienced 480,652 accidents, causing 494,000 Injuries in 2016. The country aims to reduce the accidents by 50 percent by 2020.

In India, road accidents take more lives than natural disasters or diseases do. It was realised that to reduce the road accidents in the country it is necessary to strengthen the Road Safety Laws and the country is in process of passing the Motor Vehicles Amendment Bill, 2017 which was passed by the Lok Sabha (Lower House) on March 10, 2017 and yet to be passed by Rajya Sabha (Upper House). The Bill is an attempt to create an exhaustive and comprehensive legislative framework for road safety in India.

For reducing the road accidents, it is also necessary to study the Institutional and Legislative Framework of Road Safety in India. The study was done in some selected States and Union Territories of India during the period of April-August 2017.

The Institutional and Legislative Assessment of Road Safety was done at Central Government Level and in four states: Rajasthan, Tamil Nadu, Telangana and West Bengal and two Union Territories: Delhi (National Capital Region) and Puducherry.

The study was very useful in understanding the Institutional and Legislative Framework on Road Safety, and it was observed that these frameworks need to be improved in order to reduce the number of road accidents in the country.

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## Acknowledgements

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First and foremost we thank World Health Organisation (WHO) for providing us opportunity to work on this project. We also thank government officials of the Centre, State and Union Territories for providing information.

We thank Citizen consumer and civic Action Group (CAG), Chennai, Skyline Archon (Hyd.) Pvt Ltd. Hyderabad, JS Law Office, Noida and CUTS Resource Centre, Calcutta (CRC) for providing their inputs in the project.

We thank Madhu Sudan Sharma, Senior Project Coordinator, who coordinated the entire project, completed the assessment and prepared the report. We also thank Jeetali Agnani, Programme Associate for her involvement in data collection and report writing and all colleagues in CUTS CART for their support.

We also acknowledge the contribution of CUTS Communications Team for editing and layout. We also express our sincere gratitude to all others, without whom, the completion of the WHO Institutional and Legislative Assessment for Road Safety in India would not have been possible.



## Acronyms

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AAP	Aam Aadmi Party
AP	Andhra Pradesh
ABS	Anti-locking Brake System
ADG	Additional Director General
AHO	Automatic Headlight On
AIADMK	All India Anna Dravida Munnetra Kazhagam
BNVSAP	Bharat New Vehicle Safety Assessment Programme
CAG	Citizen consumer and civic Action Group
CMVR	Central Motor Vehicles Rules
CPWD	Central Public Works Department
CMP	Comprehensive Mobility Plan
CSOs	Civil Society Organisations
DIMTS	Delhi Integrated Multi-Modal Transit System
EDMC	East Delhi Municipal Corporation
FGD	Focus Group Discussion
FYP	Five Year Plan
GHMC	Greater Hyderabad Municipal Corporation
GSDP	Gross State Domestic Product
GOs	Government Orders
GoWB	Government of West Bengal
I&C	Inspection & Certification
IDTR	Institute of Driving Training and Research
IRC	Indian Road Congress
ITS	Intelligent Transport System
JDA	Jaipur Development Authority
LSG	Local Self Government
MACT	Motor Accident Claims Tribunal
MCD	Municipal Corporations of Delhi
MOHFW	Ministry of Health and Family Welfare
MoRTH	Ministry of Road Transport & Highways
NCR	National Capital Region
NDMC	North Delhi Municipal Corporation

NGOs	Non-government Organisations
NHAI	National Highways Authority of India
NHM	National Health Mission
NRSC	National Road Safety Council
LAD	Local Administration Department
PCB	Pollution Control Board
PIL	Public Interest Litigation
PIP	Project Implementation Plan
PWD	Public Works Department
RASTA	Roads Are Safe to All
RIDCOR	Road Infrastructure Development Corporation of Rajasthan
RSRTC	Rajasthan State Road Transport Corporation
RTI	Right to Information
RTIDF	Rajasthan Transport Infrastructure Development Fund
RWAs	Resident Welfare Associations
RTO	Rajasthan Transport Office
SCRC	Supreme Court Committee on Road Safety
SDMC	South Delhi Municipal Corporation
STA	State Transport Authority
VIPs	Very Important Persons
VVIPs	Very Very Important Persons
WHO	World Health Organisation
SAFAR	Safety Always for All Roads
SLD	Speed Limiting Devices
TIDES	Telangana Institute of Driving Education and Skills
TRSP	Telangana Road Sector Project
UDHD	Urban Development and Housing Department
ULB	Urban Local Bodies
UTs	Union Territories

# Executive Summary

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## Background

Road accidents are recognised as serious health hazards globally as well as in India. The problem is much more serious in our country, where around 1, 50,000 road crashes, 4, 94, 000 injuries and about 4,80, 000 road accidents occurred in the year 2016. Therefore, in order to analyse the Institutional and Legislative Framework of Road Safety in some selected States and Union Territories (UTs) of India, an assessment was done during the period April 2017 to August 2017.

The Institutional and Legislative Assessment of Road Safety was accomplished at the Central and State Government level in the four States: Rajasthan, Tamil Nadu, Telangana and West Bengal; and two UTs– Delhi National Capital Region (NCR) and Puducherry. The criteria for selecting the States/UTs was the scale of road accidents, fatalities and injuries in the States/UTs, geographical location of the States/UTs, Political Leadership of the States/UTs, Innovations and Administrative Importance of the States/UTs and Percentage of registered vehicles in the States/UTs.

In the Institutional Assessment of Road Safety including Road Safety Policies and Plans, Road Safety Authorities, Committees and Sub-committees at various levels. These comprised various stakeholders, Central/State/UT Government and Ministries/ Departments/agencies, research institutes affiliated to Central/State/UT Ministries and provisions of dedicated funds for road safety were taken into account. In this exercise, the administrative structure, decision making process regarding the road safety; roles and responsibilities, focus areas and nature of authorities; and process of coordination of all the mentioned institutions were analysed through primary as well as secondary sources. To validate the facts and findings, a Focus Group Discussion (FGD) was also conducted with the concerned officials of above specified road safety stakeholder institutions.

In the Legislative Assessment of Road Safety, Central/States/UTs Laws, Rules, Regulations, Law/Rule making or their amending process etc. were effectively captured. During this practice, the legal provisions for the five risk areas i.e. over-speeding, drink and drive, not using helmets, seat belts, child restrained system and high beam lights were also analysed at national and selected State/UT level. While accomplishing this task, the primary and secondary sources of information were taken into consideration. In addition, FGDs were conducted with the concerned officials of various stakeholder departments.

## ***Institutional Assessment***

The arrangement of institutions at national level is such that it includes various Multiplicities of Ministries, Departments and Research. At national level, the Ministry of Road Transport & Highways (MoRTH) is the nodal department for road safety. This department has full-time Director (Road Safety) and a Road Safety Cell with a full-time Chief Engineer (Road Safety) for providing technical assistance and guidance to Central and State road constructing agencies addressing and resolving road safety issues.

At Central level, there is National Road Safety Policy, 2010 which emphasises on four **E's** of Road Safety viz **Education, Engineering** (both of roads and vehicles) **Enforcement** and **Emergency** Care. There is National Road Safety Council (NRSC), headed by Minister of Road Transport is the apex advisory body on road safety, NRSC was established u/s 215 of Motor Vehicles Act, 1988 with the objective of improving road safety aspects in road transport sector in India. At Central level, there is a provision of National Road Safety Fund and there is an action plan on road safety, which is directly monitored by NRSC. Indian Road Congress (IRC) is the agency, which develops the standards, methods and mechanisms of road safety for all the stakeholder departments and road users.

Most of the IRC standards are mandatory in nature. MoRTH and NRSC being the nodal implementing and advisory bodies respectively takes advice and necessary guidance from various technical agencies and research agencies time to time and ensures convergence among all the stakeholder agencies and departments for better results and outcomes. The road safety institutional arrangement of the States and UTs, which are targeted under the assessment (Rajasthan, Telangana, Tamil Nadu, West Bengal, Puducherry and Delhi-National Capital Region (NCR) is also almost same as of the Central level. All the above mentioned States have formed their State Road Safety Policy, have constituted State Road Safety Councils and have District Road Safety Committees in place.

But, in Rajasthan road safety committee at Sub-Divisional Level, which is below the district level. Rajasthan is the State, which has a Sub-Ministerial Committee as well, which directly advises State Government on road safety. In all the targeted States/UTs the nodal cell for State road safety has been constituted except Telangana, which even does not have a dedicated road safety fund till yet, the state is under the process of forming the same.

The key stakeholder departments of road safety are Transport Department, Police Department, Public Works Department (for State roads), National Highways Authority of India (NHAI), Urban Local Bodies (ULBs) since they construct most of the urban roads, Education Department for awareness of the road safety provisions and issues, Rural Development Department for Rural Roads and state level Research and training institutions are also integral part of the road safety institutional system at most of the state States/UT level.

However, in the States there is no dedicated department like in the State of Tamil Nadu – the Home, Prohibition and Excise Department is responsible for administering the functioning of various departments including the Transport Department. In Telangana State, the Roads and Buildings Department is responsible for transport infrastructure connecting rural, urban, commercial and tourism Centres of the State.

Almost all the targeted States/UTs have some or the other mechanism for data collection of road accidents and the states are also taking many initiatives for controlling the five risk factors as mentioned earlier in order to curb road crashes, injuries and fatalities.

In almost all the States the Motor Vehicle Act, 1988, CMVR, 1989, and respective State Rules of Motor Vehicle are implemented by Traffic Police and Transport Departments. Moreover few initiatives have also been taken in compliance with Supreme Court Committee on Road Safety for inter-departmental convergence.

### ***Legislative Assessment***

At National Level, the Motor Vehicle Act, 1988 and Central Motor Vehicle Rules, 1989 is the binding law which regulates all the aspects of road transport vehicles. Also, there are some other statutory provisions, acts or notifications like the Carriage by Road Act, 2007 and its Rules, the Control of National Highways (Land and Traffic) Act, 2002, The Central Road Fund Act, 2000 and Rules, National Highways Fee (Determination of Rates and Collection) Rules, the National Highways Authority of India (Amendment) Act, 2013 and its Rules, the Road Transport Corporations Act, 1950: For incorporation of Road Transport, Supreme Court guidelines on Good Samaritan Guidelines and directions of the Supreme Court Committee on Road Safety given on time to time for Implementation of Road Safety are the main guiding principles or provisions of road safety in India. At State or UT level, all the central level provisions are applicable along with the States/UTs level Motor Vehicle Rules, Notifications and rules regarding the standards of the road safety equipment.

The report encompasses the law/rule making and amending processes at Central Government as well as at the targeted States/UTs level in a comprehensive manner. The Transport Department being the nodal department of road safety is responsible for initiating any law or rule making/amending process at Central and State or UT level.

However, in few States like Telangana, it was observed that the Law Department initiates the process of law or rule making/amending for road safety and in Tamil Nadu, Home, Prohibition and Excise Department initiates the process. The entire path of pre-legislative, legislative and post legislative has been well defined in the report in the respective State or UT Chapters. It was also observed that both Centre and States/UTs simultaneously make rules on the road safety since this subject being in the concurrent list at same time in their defined areas.

It was observed that there are several challenges in the legislative process, which includes limited capacity cum exposure of rule-making officials about latest and updated knowledge across India.

### **Key Observations (States)**

Currently, the Government of Rajasthan is seriously concerned on about road safety and has been taking initiatives in this regard from time to time. The overall political system is keen for setting up a new and required institutional arrangements for road safety and activating, reviving and making proactive to the existing institutional setup, so that the desired goals and targets can be achieved. The overall road safety institutional framework seems to be strong and runs from state level to district and sub district level. The meetings of the Cabinet Sub-Committee of Road Safety, Road Safety Council and State Traffic Management Committee are convened regularly.

The meetings of Road Safety Cell and District Traffic Management Committee are taking place more frequently and regularly but the Sub-District Level Traffic Management Committees are not yet functional. Rajasthan has recently formed 'Rajasthan the Road Safety Policy' in December, 2016, Road Safety Cell as nodal agency has been constituted, dedicated road safety fund is created and almost achieved the target of reducing the rate of road accidents, road accident deaths and injuries by 5 percent during 2016.

Tamil Nadu is the State, which has a strong and old institutional set up for road safety. It formed its Road Safety Policy in 2007, The Non Motorised Transport Policy, 2014, Road Safety action plan was first prepared in 2002 (proposed road safety clinics on various National highways etc.), which was very good initiative. Tamil Nadu also developed a Road Accident Data Management System (RADMS), 2009 a bilingual software package, to geographically map all road accidents worked very well, which was later adopted by other states as well.

As far as the distinct role of Home Department is concerned, two departments are responsible for policymaking regarding transportation. The Home, Prohibition and Excise Department are responsible for the administration of several departments, including the Transport Department. Tamil Nadu has road safety funds set out at State level but there is another fund – Chief Minister Road Safety fund, directly disbursed by the Chief Minister to road accident victims through District Collector's office. The Institute of Road Transport is registered under the Societies Registration Act, 1860 in the year 1976. Hence, the only challenge is to revive these outmoded institutions.

Telangana State is the newly formed 29<sup>th</sup> State of the country. With the formation of new state, its organisational structure underwent for drastic changes out of which road safety is one. As mandated by the Supreme Court committee, the state has a Road Safety council headed by Chief Minister and in the process of formulation of Road Safety Policy and Road Safety Funds. State Government runs a successful Road Safety Programme in the name of 'Safety Always for All Roads' or (SAFAR), 2005 renamed as 'Roads Are Safe to All' or RASTA. A separate Road Safety Department and lead agency needs to be constituted as per Supreme Court Committee.

The Chief Minister of the Telengana has signed the file on Road Safety authority and the budgetary grant for it is being worked out. A separate department will be functional after the approval. (AO, Telangana Transportation Department, 2017) Road Safety Department will act as a nodal agency coordinating with other Departments. A separate Roads and Buildings Department for Telangana State has been established.

In West Bengal State, the traffic management is dependent on West Bengal Police, which manages rest of the State except Kolkata, which is managed by the Kolkata Traffic Police. Therefore, Kolkata city being one of most populous city in India, has dedicated traffic police, which implements numerous initiatives on roads. Kolkata traffic police is one of the most educated traffic police in India, and known for innovative initiatives for traffic management.

Delhi being capital city has so many agencies, central and state to play their role in road safety; it has only highways maintained by National Highway Authority (NHAI) and

urban roads maintained by State Public Works Departments/Municipalities. Delhi Traffic Police is the most important wing when it comes to road safety. The awareness task is being executed by each of one of them in their own domain, which in coordination caters to the road safety in Delhi region.

In Puducherry, the Road Safety Policy and Action Plan 2015 was drafted in pursuance of the directives of the Supreme Court and MoRTH. The Policy follows the National Road Safety Policy in terms of the 6E's – **E**ducation, **E**nforcement, **E**ngineering (infrastructure), **E**ngineering (safer vehicles), **E**mergency care, and **E**nactment of legislation and strengthening of institutional mechanism. The Comprehensive Mobility Plan (CMP) 2015 for Puducherry was developed, the Road Safety Council formed on 10.03.2008, is Chaired by the Chief Minister having other members as well.

## Way Forward

The current Institutional arrangements, especially at States/UT level need to be strengthened firstly by strong mechanisms of convergence among all the stakeholder departments and agencies, which includes civil society organisations (CSOs) or non-government organisations (NGOs) as well. Moreover, the electronic monitoring of traffic violations, controlling the corruption in traffic management and improving the traffic violations as well as accident data systems, is need of the hour and effective ways of public awareness and education are the need of the hour.

The current legislative framework of Road Safety in India as well needs to be drastically improved by amending the current Motor Vehicle Act, 1988 and Central Motor Vehicles Rules (CMVR), 1989 and corresponding State Rules, which is undergoing and the proposed new legislative amendments in the Motor Vehicle Bill, 2017 will impact positively in enhancing of road safety.





# **PART A**

## **Institutional Assessment**



# 1. Scope of the Study

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## Background

Road safety is a collective responsibility that requires the government engagement, civil society as well as businesses from both the public and private sector. It requires a well-planned strategy and an associated plan. It is important to assess the state of Institutional Framework of Road Safety in India. From time to time people have suffered various ailments due to accidents on the road, the need to thoroughly analyse institutional assessment of road safety is a must.

## Objectives

The foremost objective is to identify the institutions, leadership, structure and decision-making processes regarding safety. It is also important to outline the roles and responsibilities of the identified institutions with respect to legislation and regulation on road safety, describe their particular focus and expertise areas in the field of road safety, particularly in relation to risk factors. The following are the focus areas:

1. Speeding
2. Drinking/Using Drugs and Driving
3. Distracted Driving
4. Not Wearing Seatbelts, Helmets and not Using Child Restraints and Vehicle Safety

The study also aims to identify the nature of the institution's authority. For example, advisory or lead/mandatory on legislative or regulatory road safety issues. It comprehensively analyses as to how the various road safety institutions interact with each other (processes) and at the national level institutions towards adopting laws or regulations. The study endeavours to assess the obligation of States and Union Territories to implement national laws in general and specifically road safety and transport laws. In addition, the degree of flexibility that States/Union Territories have to adhere to or provide exceptions and exemptions in implementation and any processes States/Union Territories must undertake to do so are taken into consideration in the study.

### ***Criteria for Selection of States/UTs***

Rajasthan, Tamil Nadu, Telangana and West Bengal and two Union Territories, which are Delhi and Puducherry selected for road safety assessment, was based on the following criterion:

For the proposed Institutional assessment of the road safety, three States and three Union Territories need to be selected. There could be numerous criteria for the selection of States/UTs, but following criteria was preferred for the selection process.

### ***Five-point Selection Criteria for the States/UTs***

1. Scale of road accidents, fatalities and injuries in the States/UTs
2. Geographical location of the States/UTs
3. Political Leadership of the States/UTs
4. Innovations and administrative importance of the States/UTs
5. Percentage of registered vehicles in the States/UTs

#### ***Criterion 1: Scale of road accidents and fatalities in the States/UTs***

National reports published annually by Transport Research Wing of the Ministry of Road Transport and Highways and National Crimes Records Bureau of Ministry of Home Affairs, Government of India describe national statistical trends and normalised indicators of road accidents, injuries and fatalities. As per the 'Road Accidents in India Report, 2015'<sup>1</sup>, **Tamil Nadu** has recorded the highest number of deaths in road crashes in India, which were around 15649.

#### ***Criterion 2: Geographical location and economic state of the States/UTs***

In India, sectorial and regional imbalances have always been a source of great social and psychological disturbances. Benefits of economic growth have never been equally shared by all the regions and their people throughout the country. It has given rise to new social, economic and political problems. It is a difficult task for the Government of India to take the lead in reconciling regional interests along with national harmony.

There is a wide gap from region to region/province to province. There are pockets of poverty amidst wealth within each province/state. Dry and hilly areas as well as those with tribal populations are still far below the national average. It has widened the gap between the prosperous and disadvantaged States and created a wide gap between the rich and poor within a region.

Some states like Punjab, Maharashtra, Gujarat, and **Tamil Nadu** are advancing rapidly and considered as progressive while some States, which are most populous and larger ones – Bihar, Madhya Pradesh, **Rajasthan** and Uttar Pradesh lag far behind in terms of Gross State Domestic Product (GSDP) and are categorised as developing states. Caste politics and politician-criminal nexus are at its peak there, dragging the BIMARU States into further disadvantage. Southern states are leading the race of development than the Northern and Eastern States. Eastern States like Bihar, Odisha **West Bengal** are considered to be disadvantaged due to several socio-demographic and natural factors.

#### ***Criterion 3: Political leadership of the States/UTs***

India being a Federal country, elected governments are in place both at Central and State level. Inter-governmental relations, Central to State Governments relations on one hand, and State to State Government relations on the other hand, play a crucial role in the overall development of the country. India has a multi-party political system and very often it is noticed that the ruling parties at Central and State level at different, which creates some developmental and enforcement related issues. At times, the developmental agenda defined by the Central Government is not adopted fully by the

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<sup>1</sup> Road Accidents in India Report, 2015 <http://morth.nic.in/showfile.asp?lid=2143>

States due to political differences. Sometimes rule-making process also differs at the Central and state level.

So in the proposed assessment, this reality has been acknowledged and taken into consideration. As a part of strategy, States ruled by the same political party like the Central Government and those ones ruled by the opposition party should be targeted. Tamil Nadu is ruled by All India Anna Dravida Munnetra Kazhagam (AIADMK), Rajasthan by BJP, West Bengal by All India Trinmool Congress, Delhi by Aam Aadmi Party (AAP) and Puducherry by Congress Party. Whereas in Puducherry entire top administration and policy makers, which includes Manoj Kumar Parida, Chief Secretary, Narayan Sami, Chief Minister and Kiran Bedi, Governor of Governor of Puducherry are highly concerned and sensitive to the issue of road safety.

#### *Criterion 4: Innovations and administrative importance of the States/UTs*

Often, the States are called as laboratories for democracy in India. Some states are more progressive than others in their physical, institutional and legislative development process. It is a fact that the much desired, Right to Information Act was passed by some states first and then it came in to force at central level. Same is the case for several other acts including the Good Samaritan Act, 2016 now in force in Karnataka. Several other states like West Bengal, Tamil Nadu are trying to bring similar acts in place.

Along with the geographic location, administrative positioning of some of the UTs like Delhi is very crucial and important. Delhi being the national capital is very crucial in terms of institutional and legislative arrangements. So it would be significant to assess the road safety mechanism of such UT in comparison of Puducherry.

#### *Criterion 5: Percentage of registered vehicles in the States/UTs*

In Tamil Nadu, the percentage of registered vehicles is second highest (10.6) after Maharashtra (11.8). The percentage of registered vehicle in Rajasthan is 5.5, Telangana (4.8), which are above the national average (2.7) and in West Bengal is 2.5, almost at the same level. The percentage of registered vehicles in UTs is highest among Delhi (4.3) and one of the lowest in Puducherry (0.4) in comparison to the other UTs.

## **Methodology**

At first desk review of the related literature was done and criteria for selection of States were developed. The tools and techniques for assessments were finalised. Project team visited the selected States and collected primary and secondary data. Personal interviews were conducted with key informants in two rounds.

In the Institutional assessment of road safety – Road Safety Policies, Road Safety Plans, Road Safety Authorities, Committees or Sub-committees of various levels, stakeholder Central/State/UT Government Ministries/Departments/agencies, renowned research institutes affiliated with various Central/State/UT Ministries, and provisions of dedicated funds for road safety were taken into consideration. In this exercise, the administrative structure, decision making process regarding road safety, roles and responsibilities, focus areas, type of authorities and process of coordination of all the mentioned institutions were analysed through data from primary and secondary

sources. To validate the facts and findings a FGD was also conducted with the concerned officials of above mentioned road safety stakeholder institutions.

In the legislative assessment of Road Safety, the Central/States/UTs Laws, Rules, Regulations, Law/Rule making or Law/Rule amending process etc. were captured. In this exercise, the legal provisions for the five risk areas of speeding, drink and drive, helmets, seat belts, child restrained system and high beam lights were carefully examined at national and selected States/UTs level. During this exercise, the primary and secondary sources of information were taken in to account and FGD was conducted with the concerned officials of various stakeholder departments as well.

## 2. Institutional Assessment of Road Safety at Central Government

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### Background

The institutions at national level are constituted in such a manner that they include various Multiplicities of Ministries, Departments and Research agencies which make the matter of road safety so complicated. At national level, the MoRTH is the nodal department for road safety, which has a full time Director (Road Safety) and a Road Safety Cell with a full time Chief Engineer (Road Safety) for providing technical assistance and guidance to central and state road constructing agencies considering the road safety issues.

The other Ministries or Departments like Urban Development and Local Bodies, Education Department, Police, Central Public Works Department, NHAI, IRC and numerous dedicated research institutional organisations like Central Road Research Institute, Delhi, School of Planning and Architecture (SPA)'s dedicated transportation, traffic and road safety divisions are such institutions which are contributing in ensuring road safety at national level and off course to advice the Central and State governments as well based on their research findings.. At Central level, there is National Road Safety Policy, 2010 which emphasises on **4 Es'** of Road Safety viz **Education, Engineering** (both of roads and vehicles) **Enforcement** and **Emergency** Care.

There is National Road Safety Council, headed by Minister of Road Transport is the apex advisory body on road safety, NRSC was established u/s 215 of Motor Vehicles Act, 1988 with the objective of improving road safety aspects in road transport sector in India. At Central level, there is a provision of National Road Safety Fund and there is an action plan on road safety, which is directly monitored by NRSC. Moreover, IRC is the agency, which develops the standards, methods and mechanisms of road safety for all the stakeholder departments and road users. Most of the IRC standards are mandatory in nature.

MoRTH and NRSC being the nodal implementing and advisory bodies respectively takes advice and necessary guidance from various technical agencies and research agencies time to time and ensures convergence among all the stakeholder agencies and departments for better outcome and results.

### National Road Safety Policy

At Central Government level, a good institutional system is existing for road safety. Central Government plays dual role in road safety. On one side it is directly responsible for ensuring road safety on national highways and secondly it monitors compliance of central laws and regulations in all the states. Central Government is also having the responsibility of assisting technically, providing funds and other ways to the states for better implementation of road safety programmes, schemes and institutional and legal provisions.

A National Road Safety Policy has been approved, which outlines various policy measures like spreading awareness, establishing road safety information data base, encouraging safer road infrastructure, enforcement of safety laws etc. The Government has constituted the National Road Safety Council as the apex body to take policy decisions in the matter of road safety. States / UTs have been requested to set up State Road Safety Councils.

The Ministry has requested all States and UTs for setting up State Road Safety Council and District Road Safety Committees.

The Ministry has evolved a multi-pronged strategy to tackle the problem-based on the 4 Es' of Road Safety viz **Education**, Engineering (both of roads and vehicles) Enforcement and Emergency Care. Road safety has been made integral part of the road design at the planning stage. Road safety audit of selected road stretches. The manual on road safety audits IRC:SP-88-2010 or any latest revision of this document is the basic document for the purpose of road safety.

The Ministry has launched a media campaign to promote road safety. NGOs have been sensitised to work on Road Safety. As Short-term measures rumble strips, reflective stickers at junctions, fixing signboard/ cautionary board, providing signage and speed restrictions are being used. As long-term measures construction of vehicular under-pass, By-pass, flyover and 4-laning are being taken up.

Moreover, 723 black spots have been identified which are accident-prone and steps are being taken to rectify engineering defects at such spots and a cost of ₹11,000 crore has been allocated for the same. The threshold for developing four-lane National Highways has been reduced from 15000 Passenger Car Units (PCUs) to 10,000 and about 52,000 km of State Highways are set to be converted into National Highways.

Vehicular Safety Standards are being set for all classes of vehicles. Trucks are being prohibited from carrying protruding loads, Anti-locking Brake System (ABS) has been made mandatory on heavy vehicles, cars to have provision for of ensuring at least one child seat. Car Crash Standards to be made mandatory w.e.f. April 01, 2018; ABS/CBS for two-wheelers mandated w.e.f. April 01, 2018; Automatic Headlight On (AHO) made mandatory for two-wheelers to enhance their conspicuity; Bus Body Code for safer and comfortable buses; Truck Body Code for safe cabins to drivers and other road users, Mandatory Fitment of Speed Governors on Transport Vehicles to avoid overspeeding; Tightening safety standards for vehicles like seat belts, power steering and anti-lock breaking system.

Bharat New Vehicle Safety Assessment Programme (BNVSAP) has been notified to provide for safety ratings for cars to enable buyers to take a well-informed decision. Besides, the Government is running publicity campaigns in print and electronic media.

NHAI provides ambulances at a distance of 50 km on its completed stretches of National Highways. Cranes and ambulances are provided to various State Governments under the National Highway Accident Relief Service Scheme for development on National Highways. Furthermore, Pilot Projects for Cashless Treatment of Road Accident Victims has been started on Gurgaon-, Vadodara – Mumbai stretch of NH 8 and Ranchi-Rargaon-



Mahulia stretch of NH 33. Road safety activities have also been included in schedule VII of the Companies Act, 2013.

Good Samaritans Guidelines – Guidelines, dated May 12, 2015, have been issued by the Ministry to prevent the harassment of ‘Good Samaritans’ who help road accident victims. The Supreme Court has accepted these guidelines and has asked States for implementing the same.

A Committee on Delhi Traffic Decongestion and providing funds has been established. The Government is planning to install cameras to check overspeeding and running Black Spot Campaign for road safety. Provisions of road safety items like road signs, markings, crash barriers, safety provisions as road side hazards, etc. known as road furniture’s help in protecting road users driving with high speed.

## **Institutional Framework**

### ***Indian Road Congress***

The origin of Indian Road Congress (IRC) the apex body of road sector engineers and professionals in the country can be traced back to the Road Development Committee set up under the Chairmanship of M R Jayakkar in 1927 by the then Government of India, which recommended for periodical holding of road conferences to discuss the issues related to road construction, maintenance and development.

The first such Road Conference was held in April 1930. Subsequently with the formalisation of Road Fund, a need of wider and permanent organisation in place of Periodical Road Conferences was felt and thus, the IRC was formed.

The inaugural meeting of IRC was held at the Town Hall, New Delhi, December 10, 1934 under the Chairmanship of D G Mitchell, Secretary to the then Govt. of India in the department of Industries and Labour, Public Works Branch. 73 Engineers attended this meeting from all parts of the then India. This marked the birth of the Indian Roads Congress.

When the activities of the IRC expanded, IRC was formally registered as a society on September 24, 1937 under the Societies Registration Act, 1860. Starting with a modest membership of 73 in 1934, the IRC has more than 5 million associates (direct/indirect) and over 16,700 registered members comprising of engineers & professionals of all Stakeholders of road sector from Central and State Governments, Public Sector, Research Institutions, Local bodies, Private sector, Concessionaires, Contractors, Consultants, Equipment manufacturers Machinery manufacturers, Material producers & suppliers, Industrial Associations, Multilateral and Institutional organisations like World Bank, ADB, JICA, JRA, IRF etc.

### ***Organisational Setup of IRC***

The affairs of the IRC are guided by a Council of the society. For managing the affairs of IRC, the powers are vested with Executive Committee (EC) comprising the President, IRC, Immediate Past President, four Vice-Presidents, Honorary Treasurer and Secretary General. IRC Secretariat is headed by the Secretary General.

The tenure of the Council is for one year and is represented by the members from each State/UTs by nominations besides member representatives nominated by the important road-owning Government Departments, Ten elected members representing research institutions, municipalities, local bodies, private sector and two female members.

IRC works in close collaboration with the Ministry of Road Transport and Highways (MoRTH). The Director General (Road Development) and Special Secretary, MoRTH, is the Honorary Treasurer of the IRC road safety. There are three Apex Committees, which are responsible for formulation and updating of Codes of Practices, Standards and Guidelines. They are:

- Highways Specifications & Standards Committee (HSS)
- Bridges Specifications & Standards Committee (BSS)
- General Specifications & Standards Committee (GSS)

The H-7 – Road Safety & Design is the Committee concerned with the road safety issues. The DG (RD) & SS, MoRTH, President IRC and Secretary General, IRC are three *ex-officio* members of all the Technical Committees. The number of experts in each of the Technical Committees is 25 regular members and five corresponding members/co-opted members. The total number of experts in the 3 Apex Committees is 40 in number.

### ***National Road Safety Council***

Road safety is multi sectorial and multi-dimensional issue. The NRSC headed by the Union Minister is the Apex Advisory Body. The Motor Vehicle Act, 1988 provides that each State should have Road Safety Council headed by Minister in charge for transport for state in lines with National Road Safety Council. National Road Safety Council is an advisory body. It was established under Section 215 of the Motor Vehicles Act, 1988 with the objective of improving road safety aspects in road transport sector. The Cabinet Minister of the MoRTH Chairs the Council. The official members of NRSC include the Ministers of State for MoRTH, Minister-in-charge of Road Transport in States/UTs, representatives from Ministry of Home Affairs, Human Resource Development, Railways, Department of heavy Industry, Ministry of Environment and Forests, Planning Commission, Secretary of MoRTH, Chairman of National Highways Authority of India, Director General of Roads Development of MoRTH and Joint Secretary (Transport). The non-official co-opted members include some Road Safety Award winners, individuals nominated by the Minister of MoRTH, Government institutions related to road construction, road safety and insurance and associations related with road safety.

### ***Organisational Structure***

**Table 1: Organisational Structure of NRSC**

<b>Chairman</b>	<ul style="list-style-type: none"> <li>• Minister of MoRTH</li> </ul>
<b>Vice Chairman</b>	<ul style="list-style-type: none"> <li>• Minister of State for MoRTH (K)</li> </ul>
<b>Vice Chairman</b>	<ul style="list-style-type: none"> <li>• Minister of State for MoRTH (R)</li> </ul>
<b>Members</b>	<ul style="list-style-type: none"> <li>• Minister Incharge for Road Transport and Highways</li> <li>• Director Generals and IGs of States</li> </ul>

	<ul style="list-style-type: none"> <li>• Representatives from Central Government Ministries</li> <li>• Secretary MoRTH</li> <li>• Chairman National Highways Authority of India</li> <li>• Road Safety Award Winners</li> <li>• Individuals</li> <li>• Government Institutions related to Road Safety</li> <li>• Automobile Institutions related to Road Safety</li> </ul>
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### *Roles and Responsibilities*

National Road Safety Council will ensure time-bound compliance of directions issued by Supreme Court Committee on road safety. It will coordinate with all concerned stakeholder departments/agencies. The NRC is supposed to meet at least once a year.

Additionally, the Council also carries out the following functions:

- To advise on strategy, planning and coordination of policy and standards of safety in road transport sector
- To formulate and regulate road safety programmes for implementation by the state road safety and district road safety body
- To suggest areas of research and development to improve road safety
- To oversee and monitor road safety measures
- The Council shall decide procedure and methodology for the road safety

### ***Ministry of Road Transport and the Highway***

The MoRTH, a Ministry of the Government of India, is the central ministry for formulation and administration of the rules, regulations and laws relating to road transport, and transport research including road safety, in order to increase the mobility and efficiency of the road transport system in India for road safety. Since May 2014, the Central Minister for Road Transport and Highways is Nitin Gadkari and other two are the State Ministers heading the Ministry. The Ministry has two wings: Roads wing and the Transport wing.

### *Structure of MoRTH*

The structure of the MoRTH has following wings associated with it:

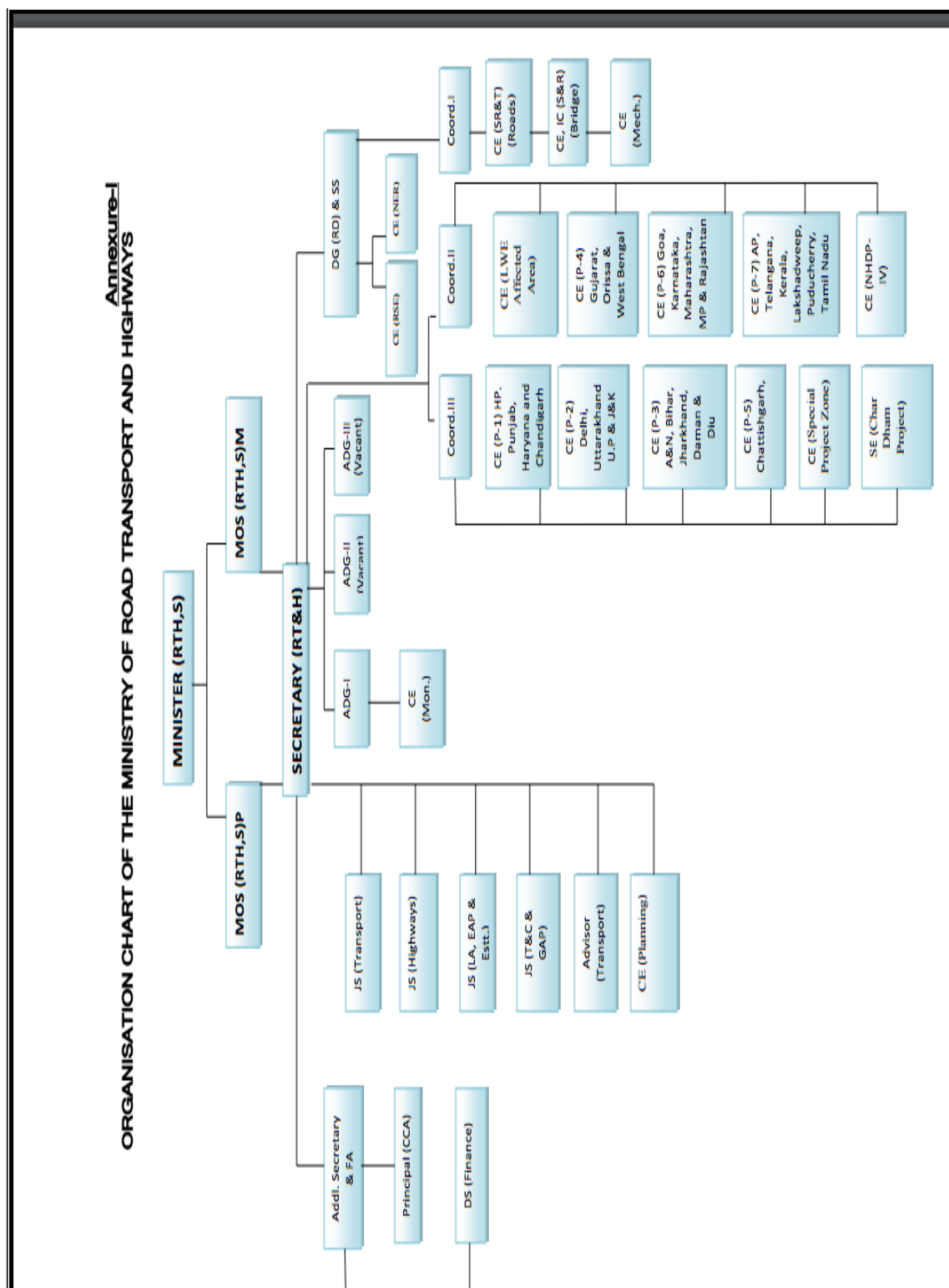
1. *Road Wing*: This Wing mainly deals with development and maintenance of National Highway in the country
2. *Transport Wing*: This Wing deals with issues relating to Road Transport
  - Moreover, the following Departments/Cells are associated with Road Safety: Road Safety Engineering Cell
  - Road Transport
  - Road Safety

The Ministry of Road Transport and Highway through Road Safety Cell (Engineering) has issued several guidelines for road safety broadly based on the below given categories:

- Road safety engineering measures covering identification and rectification of road accident Black Spots
- Road safety audits
- Road safety improvement work
- Installation of cautionary measures for Black Spot

Besides, the MoRTH coordinates for all its activities on road safety through various implementation agencies like Public Works Department (PWD), NHAI and Road Safety Council. The organisational structure of MoRTH is shown in Figure 1.

**Figure 1: Organisational Structure of MoRTH**



### *Roles and responsibilities*

- Registration of the all the motor vehicles as per Act and Rules
- Issuance of driving licenses (Learning, Permanent and Duplicates) to all the motor vehicle drivers as per act and rules. Issuing permits, fitness certificates
- Safety of vehicles used – Inspection and Certification (I&C)
- Running and Auditing Vehicle Inspection and Certification Centres
- Initiating severe deterrent actions against offenders
- Facilities for maintenance need to be developed for vehicles diagnosed with faults during inspections.
- Legislative reforms: The validity for the fitness certificate, details of parameters to be checked including items of safety and environment and a Code of Practice need to be amended/incorporated
- Human Resource Development: Training modules need to be developed targeting staff, attendants, inspectors, auditors and mechanics
- To increase visibility at night reflective tapes be put as prescribed as per AIS 090 standards for 3-wheelers, Taxi, LCV, HCV, and Buses. This should also be followed for Trucks, Trailers including Agriculture tractor trailers
- Checking overloading of commercial vehicles
- Educating transporters to have a reasonable schedule of movement of vehicle, which will not force drivers to drive long hours without sleep and rest
- Ensure Road Safety Week activities every year. Involve Resident Welfare Associations (RWAs), corporates, PSUs, schools, colleges and media etc. in road safety activities
- Being nodal agency of the state level road safety committee/council/cell etc. being part of taking important decisions, implementing, coordinating and monitoring the progress of decisions taken and road safety initiatives in the State
- Formation of rules, regulations or policy related to road safety
- Registration of the all motor vehicles as per the Act and Rules

In addition, the defined target of this road safety body is to reduce fatality due to road accidents by 50 percent by 2020.

### *Focus Areas in Relation to the Risk Factors*

The following focus areas are covered under the Road Safety measures below.

1. Speeding,
2. Drinking/use of drugs and driving,
3. Distracted driving
4. Not wearing seatbelts and helmets and not using child restraints and vehicle safety;

### ***National Highway Authority of India***

An Act of Parliament constituted the NHAI Act, 1988. It is responsible for the development, maintenance and management of National Highways entrusted to it and for matters connected or incidental thereto. The Authority was operationalised in February 1995 with the appointment of full time Chairman and other Members.

NHAI Regional office, Delhi has a dedicated Road Safety Officer of the rank of Deputy General Manager or so to ensure compliance of all road safety related measures on all

the national highways in the region. The dedicated road safety officer has all the required facilities of transportation and taking help or guidance of required number of road safety consultants and enough resources and provisions are there for this.

NHAI has legal mandate of constructing national highways and other roads decided to construct by the MoRTH on time to time. NHAI is also responsible for ensuring road safety measures on these roads constructed as per the provisions of 'National Highways Act, 2002' and Central Road Fund Act and Rules.

#### *Roles and Responsibilities*

- Calls a review meetings with safety consultants, regional offices
- Analysing data to identify the Black Spots
- Conduct activities during road safety week
- Drive against traffic violations for risk areas covered under the report

#### *Focus Areas in relation to the risk factors*

- Speeding
- Drinking/using drugs and driving,
- Distracted driving
- Not wearing seatbelts and helmets and not using child restraints and vehicle safety

Road accidents are non-random events occurring due to a number of factors, amongst others, which include:

- Type of road users and colliding vehicles
- Environmental/road related factors: These include visibility, road design and geometry, access control, intersections (areas of traffic conflict) provision of segregation of NMT and heavy vehicle traffic
- Vehicle related factors – visibility of vehicles, use of protective devices (helmets and seat belts) by vehicle occupants, problems with head and taillights, mechanical failure, etc.
- Nature of traffic management: use of automatic signals and traffic calming devices
- Emergency care for accident victims (post-accident), if proper treatment is not given to victim on time, it might turn into a fatalities

#### *Road Engineering*

These are design/specification related aspects of roads and highways to enhance road safety. It is the endeavor of Government to make Road Safety an integral part of the design at planning stage. NHAI is ensuring usage of road safety furniture and taken a number of steps to enhance safety of the road users.

For making travel safe the following safety measures are being adopted:

- Provision of thermoplastic lane markings on carriageways
- Provision of crash barriers at the location of high embankments/curves
- Informative, cautionary and mandatory retro reflective signboards
- Provision of delineators and studs at hazardous locations/curves for guidance of road users during night travel
- Pedestrian guardrails between service roads and main carriageway

- Provision of shrubs/plantations in the central median to reduce the glare of light of vehicles coming from opposite direction and improve aesthetics

#### *Enforcement of road safety measures on National Highways*

It primarily involves implementation of statutory provisions, rules and regulation, which enhance road safety. The main statutory provisions in vogue are Motor Vehicles Act, 1988 and Central Motor Vehicle Rules, 1989. The State Governments and Union Territories enforce these. The enforcement measures under the said rules/act *inter alia* include inspections at the time of licensing/issue of permits and periodical fitness, verification of vehicles for commercial use. Goods vehicles are required to be inspected for fitness every year after two years of registration of the vehicle. Norms for safety components, such as safety belts, power steering, rear view mirrors, instrument panel and lighting system, etc. have been notified.

#### *Faster relief and evacuation of road accident victims*

Engineering, Enforcement and Educational measures are mainly of preventive nature. However, to reduce the trauma and probability of death and disability associated with road accidents, curative measures in the nature of providing relief and evacuation to the accident victims are vital. Recognizing the vital importance of quick medical assistance and evacuation of road accident victims' two schemes have been initiated which include:

##### *i) National Highway Accident Relief Service Scheme*

The scheme provides for supply of cranes and ambulances to States/UTs/NGOs for relief, rescue and evacuation of accident victims to nearest medical aid centre and for clearing the accident site. Besides, NHAI also provides ambulances at a distance of 50 Km on each of its completed stretches of National Highway under its operation and maintenance.

##### *ii) Road Safety Audit*

Road Safety Audit (RSA) of select National Highways/Expressway sections on the Western Transport Corridor and East-West Corridor covering a total length of 2,825 km has been taken up. The specific aim for the safety audit is that safety should be a prime post-construction operative feature.

### **Central Public Works Department**

#### *Roles and Responsibilities*

The Central Public Works Department (PWD) is the premier agency of the Central Government operating throughout the country for construction, maintenance and repairs of all works and buildings financed from civil works, budget, except few departments who have their own Engineering Units or might get the works executed through private agencies.

General Financial Rule 136 mentions: "All Central Works, other than the works of Railways and Defence Departments, irrespective of cost, shall primarily be executed by the Central Public Works Department. Prior concurrence of the Department of the Central Government in administrative charge of Public Works shall be necessary for entrusting works to an agency other than the Central PWD. Such concurrence may be given by general or special orders.



Provided that the Department of the Central Government in administrative charge of Public Works may for administrative or economic reasons entrust execution of original works and special repairs costing up to ₹10,000 and all ordinary repairs irrespective of their cost in respect of buildings under their administrative control to any other civil department. Provision for expenditure on such works shall be made in the budget for '2059 – Public Works – Maintenance and Repairs' – Petty Construction and Repairs by Civil Department to Heads of Civil Department carrying out the works and while full budgetary and financial control in respect of such functions s will remain with Central Public Works Department, the charges incurred by Civil Departments might be drawn under the Rules and procedures governing contingent expenditure”.

Construction and maintenance of National Highways and maintenance of roads financed from the Central Road Funds (excluding those under Municipal Corporation) are being executed by the PWD of Delhi Administration encored with Central Public Works Department (CPWD).

Most of the States, which do not have their own Public Works Department cadre, and various Departments of the Government of India and Public Sector Undertakings look up to the Central PWD for the services of engineering personnel from time to time. There are a number of CPWD Officers working on deputation in other Departments and Public Undertakings, autonomous bodies etc.

Moreover, the Director General of Works functions as Consulting Engineer to the Government of India and is consulted in various technical matters relating to construction and maintenance matters. As Consulting Engineer to the Government of India, the Director General of Works or his nominee officer is associated with various technical bodies and/or Standing Committee of various Institutions and Organisations the more important ones being the IRC.

## **Institutional Interaction and State Government Obligations to Implement National Laws**

### *Institutional Interaction*

The Ministry of Road Transport and Highway is responsible for implementations under the following Acts and areas for which it interacts with State Governments, NGOs, Academia, etc.

- Administration of the Motor Vehicles Act, 1988 (59 of 1988)
- Administration of the Road Transport Corporations Act, 1950 (64 of 1950)
- Administration of the Carriers Act, 1865
- Motor vehicles legislation
- Roads declared under law by Parliament to be National Highways
- Roads other than National Highways
- Central Road Fund
- Coordination and Research pertaining to Road Works.
- Road works financed in whole or in part by the Central Government other than rural roads and the road works in the tribal areas in the states of Assam and Meghalaya specified in Parts I and II of the table appended to paragraph 20 of the Sixth Schedule to the Constitution



- Formulation of the Privatisation Policy in the infrastructure areas of roads
- Road safety related activities
- Entering into Road Transport Agreement with neighboring countries

The State has following powers with regard to Motor Vehicle Act, 1988:

- Issuance of Driving Licence and vehicle registration (section 39 of the Motor Vehicle Act, 1988)
- The Central Government is vested with powers to make rules for the purpose of licensing and regulating under the section 12 (1) of the Motor Vehicle Act, 1988 the State Governments, schools or establishments (by whatever name called) for imparting instruction in driving of motor vehicles and matters connected therewith
- The State Government maintains the registers of driving licenses in the format provided by the Central Government
- Section 28, 38, 67 of the Motor Vehicle Act, 1988 provides the power to the State Government to make rules in this regard
- Restriction of speed of motor vehicle for public safety or convenience or otherwise is vested with the state government under section 112
- The State Government constitutes accident claim tribunals

### 3. Institutional Assessment of Road Safety in Rajasthan

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#### Background

In the state of Rajasthan, there is an increase in number of motor vehicles, due to modernization and other factors. This is not only taking away the lives of people including youngsters, but also causing economic loss to the state. In the year 2015, the state registered 24047 accidents resulting into 10,510 deaths and 26154 people injured. In the year 2016, Rajasthan registered 23066 accidents causing 10,465 deaths and injured 24103. The state is taking initiatives to curb down the number of accidents.

The objective of this Institutional assessment of Road Safety in Rajasthan is to Identify the institutions, leadership, structure and decision-making processes with respect to road safety; Outline the roles and responsibilities of the identified institutions with respect to legislation and regulation on road safety, describe their particular focus areas/areas of expertise in the field of road safety, particularly in relation to risk factors: speeding, drinking/use of drugs and driving, distracted driving not wearing seatbelts and helmets and not using child restraints and vehicle safety, identify the nature of the institution's authority.

For example, advisory or lead/mandatory on legislative or regulatory road safety matters, describe how the institutions interact with each other (like processes) and at the national level institutions towards adopting laws or regulations and finally assess the obligation of States and UTs to implement national laws in general and specifically road safety and transport laws; assess also the degree of flexibility that States/UTs have to adhere to or provide exceptions and exemptions in implementation, as well as any processes States/UTs must undertake to do so.

#### Road Safety Policy

In compliance of directions of the Supreme Court Committee on Road Safety and decision taken in the State Level Transport Management Committee, the State Cabinet vide its order no D.146/Cabinet 2016 dated 07.12.2016 approved State Road Safety Policy. The State Road Safety Policy outlines the policy initiatives to be framed/taken by the Government at all levels to improve the road safety activities in the state. The State Road Safety Policy is described as under:

#### *Preamble*

The growing number of road accidents and resultant injuries and fatalities is a matter of serious concern. Road accidents are mainly man made unfortunate mishaps causing immeasurable social and economic loss to the society. In recent years, road accidents have become a major contributor of accidental deaths by un-natural causes. The Government of Rajasthan is deeply concerned of safety situation within the state and through this Road Safety Policy framed on the lines of National Road Safety Policy, states its firm commitment to reduce the road accident fatalities in the state by 50

percent of the base line figure of 2015, by 2020. This will require well-coordinated, dedicated and concerted efforts from all Stakeholder Departments and other agencies.

### ***Policy Statement***

To fulfill the objective of reducing mortality and morbidity due to road accidents, the Government of Rajasthan is committed to take the following measures:

#### ***(i) Strengthening Institutional & Legal Environment***

The Government is taking steps to ensure that the required Institutional & Legal Environment for Road Safety is further strengthened and a mechanism for effective coordination for various stake holders is put in place with active and extensive participation of the community at large, of the private sector, academia and civil society.

#### ***(ii) Strengthening financial environment***

The Government has created a dedicated road safety fund for the state from various possible sources like part of fines & compounding fees from traffic off-fences etc.

#### ***(iii) Ensure safer and efficient road infrastructure***

The Government is taking conscious measures to introduce, review, improve and maintain standards pertaining to safety in the design of rural and urban roads and bring them in consonance with international best practices keeping in view, the local traffic conditions of the State. It makes sure that the planning, design, construction and management of road development projects and improvement and maintenance of existing roads should invariably consist of road safety component. Continuous identification, survey, budget allotment, rectification and monitoring of accident prone spots shall be done regularly in a time bound manner. Continuing application of Intelligent Transport System (ITS) and regular road safety audits to establish a safe and efficient transport system will be encouraged. Way side amenities/ facilities are also developed.

#### ***(iv) Improving Quality of Drivers***

The Government recognises the fact that improving the man power and driving skills both qualitatively and quantitatively will go a long way in improving road safety. The Government will provide and strengthen efficient and effective driver training and testing infrastructure aiming at transparency and objectivity through automation and modernisation. Counter measures against defaulters will be ensured to promote road discipline among drivers.

#### ***(v) Safer Vehicles***

The Government is taking steps to promote safety standard in vehicles through statutory periodic and qualitative inspection as an essential check on road worthiness of all vehicles, phasing out old vehicles and ensuring compliance of provisions of Motor Vehicle laws as well as pollution and safety norms. The aim of the Government is to bring transparency and objectivity through automation and moderniation.

#### ***(vi) Safety for vulnerable road users***

The design and construction of all road facilities (rural and urban) is taken into account the needs of non-motorized transport and the vulnerable and physically challenged in an appropriate manner. The Government is seeking to disseminate 'best practices' in

this regard to town planners, architects/highway and traffic engineers. Steps shall be taken to strengthen public transport system. Comprehensive town planning with specific parking policy keeping in mind all important aspects related to road safety shall be strived for.

*(vii) Enforcement of Safety Laws*

The Government endeavors to establish permanent, exclusive, dedicated and well equipped teams involving officials of stakeholder departments to strengthen and improving the quality of enforcement for effective and uniform implementation of road safety laws. The government works in coordination with Government of India for establishment and strengthening of Highway patrolling on National, State and Express Highways. System of toll free helplines and social networking connectivity for assistance of public will be ensured.

*(viii) Road Safety Education and Training*

Road Safety knowledge and awareness is created amongst the population through education, training and publicity campaigns. Road Safety education to school children and college going students, while road safety publicity campaigns are used to propagate good road safety practices among the community. The Government encourages training of all professionals associated with road design, road construction, road network management, road safety audit, traffic management and law enforcement etc. to attain adequate knowledge of road safety issues through extensive capacity building programmes. First aid trainings to help road accident victims and training of trainers in road safety will be made an integral part of capacity building.

*(IX) Emergency Care and Medical Services for Road Accident Victims*

The Government is making sincere efforts to ensure that all persons involved in road accidents are benefitted from speedy, sufficient and effective trauma care and management. Both pre hospital care and hospital based injury management shall be provided to crash victims through a comprehensive Trauma Care Policy. The Government strives to provide and improve sufficient emergency medical service response. The Government will also implement the clause of Right of way for ambulances. Steps shall be taken for Training of human resources and creating facilities.

*(x) HRD and Research for Road Safety*

The Government will encourage increased activity in programmes of road safety research by identifying priority areas, funding research in those areas adequately and establishing centre of excellence in research and academic institution. The State Government will facilitate dissemination of the result of the research and identifying examples of good practices through publication, training, conferences, workshops and websites. The Government will also encourage research by establishing a research system to leverage latest technology in improving enforcement, engineering and emergency care.

*(xi) Establish a road safety information database*

The Government will establish state level road safety information system by having a state wide Road Accident 'Database Management System connecting all trauma centres, hospitals and ambulances and integrating the database of Medical and Health. Traffic Police, Transport Departments and Insurance companies into the information system.

Scientific investigation, restructuring and analysis of road accident shall be ensured for providing actual and accurate database for further research and analysis.

### *Implementation Strategy*

The Government will take appropriate measures to implement and oversee the issues related to Road Safety through an exclusive, adequate and dedicated road safety cell (lead agency), which may include representatives of stake holder departments like Transport, PWD, Medical and Health, Police, UDH, LSG, Law and Education along with other members. The lead agency will be provided with the authority and resources to evolve effective strategies for implementation of the State Road Safety Policy. The Government will also provide dedicated, adequate and regular fund to finance and implement road safety activities through the lead agency.

### **State Transport Authority**

Rajasthan Government has constituted State Transport Authority in the year of 2015, which is instituted under and located at the Transport Department itself. Delegation of powers by State Transport Authority to its Secretary, while it is considered necessary in public interest to delegate some of the powers of State Transport Authority to its Secretary under Sub-Section (5) of Section 68 of the Motor Vehicles Act, 1988 read with rule 5.4 of Rajasthan Motor Vehicles Rules, 1990. Besides, it is, therefore resolved to delegate the following powers of State Transport Authority to its Secretary:

1. Deciding matters and exercise powers related to notified routes pertaining to:

- Grant and renew stage Carriage permits under Section 71, 72 & 81 of the Motor Vehicles Act, 1988
- Sub-Section (3) of Section 80 of Motor Vehicles Act', 1 988
- Transfer of permit under Sub-Section (2) of Section t 82 of the Motor Vehicles Act, 1988
- Replacement under Section 83 of the Motor Vehicles Act', 1988

2. Including of Notified and Non-notified Routes under Section 71, 72, 80 (3) and 81 of the Motor Vehicles Act, 1988

3. Deciding the matters and exercise matters and exercise powers related to non-notified routes pertaining to:

- Grant and renew stage Carriage Permits under Section 71, 72 and 81 of the Motor Vehicles Act, 1988'
- Sub-Section (3) of Section 80 of Motor Vehicles Act' 1988.
- Transfer of Permit under Sub-Section (2) of Section 82 of the Motor Vehicles
- Act, 1988

4. Exercising powers under Rule 5.35 of Rajasthan Motor Vehicles Rules, 1990

5. Deciding issues related to timeframe and fare chart of the vehicles

6. Exercising powers under Section 86 of the Motor Vehicles Act, 1988.

7. Carrying out all Ministerial Act on the behalf of State Transport Authority

While exercising above delegated powers, the following aspects should be taken into consideration:

The Secretary should ensure that at the time of grant of permit or making any, endorsement on a permit issued by him the vehicle is registered in the name of the applicant. The Secretary while granting time table for plying of stage carriage the following running hours (including halting time) should be observed in the interest of the travelling public: For other than ordinary Bus Service, For Express Service, and other than above (local) service.

- Stage carriage permits granted to the sleeper coach, as defined under Rule 1.14A shall be for night service only and the time table shall be granted in to the selected coach
- Stage Carriage permit granted to ordinary bus shall be for day time only and the time table shall be granted in such a way that the journey begins not before 4.00 AM and ends not later than 10.00 PM
- No stage carriage permit shall be granted for a vehicle having seating capacity less than 37 including driver and conductor. The Secretary shall ensure the compliance of all directions given by the State Transport Authority from time to time and of all provisions of Motor vehicles Act and Rules made there under

#### *Rajasthan Bike Taxi Policy, 2017*

The policy has been notified dated January 24, 2017. The policy has provisions regarding road safety and it puts conditions for both Bike taxi licence holder as well as for bike taxi hirers restricting them for drunken driving and mandating them to carry first aid box. It also has provisions for licensing processes of operators, application of grand or renewal of licences, period of validity of licence, which for one year, security deposits, and detailed conditions of governing the operators of Motor Cycle/Bike Taxi services.

## **Institutional Framework**

The subject of Road Safety is dealt by a group of Stakeholder Departments/Agencies of State Government. These Departments are Transport Department, Police Department, Public Works Department, National Highway Authority of India, Medical and Health Department, Department of LSG, UDHD, Education Department and stage carriage agencies etc. All the mentioned stakeholder agencies or Department have their well-defined roles, responsibilities and functions towards achieving the goal of road safety in the State of Rajasthan. Transport Department is the nodal department for road safety, which enforces the Motor Vehicle Act, rules and regulations on one hand and executes, monitors and coordinates the initiatives taken for road safety in Rajasthan on the other hand. Similarly, other Departments also play their roles which are as follows:

#### ***Transport Department of Rajasthan***

The State Road Safety administrative structure and functioning is illustrated in the below given Table.

**Table 2: Road Safety Administrative Structure and Functioning**

S. No.	Structure/Roles	Current Provisions
1.	<i>Administrative Structure</i>	<ul style="list-style-type: none"> <li>Minister of Transport and PWD is member of the Cabinet Sub Committee on Road Safety, which is the supreme body related to Road Safety in the State</li> <li>Principal Secretary cum Transport Commissioner is member of the Road Safety Council, State Traffic Management Committee, Road Safety Cell as well as Traffic Control Board, Jaipur.</li> <li>The other officials who are part of the Road Safety Cell are Additional Transport Commissioner, Deputy Transport Commissioner and Divisional Transport Officer</li> </ul>
2.	<i>Decision making</i>	<ul style="list-style-type: none"> <li>All the decisions related to Road Safety are taken in the State Road Safety Council, State Traffic Management Committee and Road Safety Cell at State level and Transport department being the nodal department convenes meetings and does follow up of the progress regarding the decisions taken in these bodies</li> </ul>
3.	<i>Regulatory Roles and Responsibilities</i>	<ul style="list-style-type: none"> <li>Registration of the all the motor vehicles as per act and rules</li> <li>Issuance of driving licences (Learning, Permanent and Duplicates) to all the motor vehicle drivers as per act and rules. Issuing permits, fitness certificates,</li> <li>Safety of in-use Vehicles – Inspection &amp; Certification (I&amp;C)</li> <li>Running and Auditing Vehicle Inspection and Certification Centres</li> <li>Severe deterrent actions are initiated against offenders.</li> <li>Facilities for maintenance need to be developed for vehicles diagnosed with faults during inspections</li> <li>Training modules need to be developed targeting staff, attendants, inspectors, auditors and mechanics etc.</li> </ul>
4.	<i>Focus Areas or expertise regarding five risk factors</i>	<ul style="list-style-type: none"> <li>Rules, regulations and policymaking related to five risk areas and road safety</li> <li>Enforcement of the Act, Rules, Regulations, policies and directions received from Central Government, Directions from Court of Law or committee set by it, directions from State Government and decisions taken in the Cabinet Sub Ministerial Committee on Road Safety, Road Safety Council, Road Safety Cell, State Traffic Management Committee and Traffic Control Board, Jaipur etc. related to five risk areas and other road safety related issues</li> </ul>
5.	<i>Nature of Road Safety Authority</i>	<ul style="list-style-type: none"> <li>Transport department is legally the nodal agency or department for all the initiatives taken related to road safety in the State</li> </ul>
6.	<i>Coordination with other Departments, States and National institutions regarding regulatory</i>	<ul style="list-style-type: none"> <li>Transport Department is responsible for all sorts of official communications with the agencies of national, inter-state, intrastate level including central, respective State Governments/Government of Rajasthan/and Stakeholder Departments. At the departmental level, there is dedicated</li> </ul>



S. No.	Structure/Roles	Current Provisions
	<i>issues</i>	officials and cell related to road safety that receives and disperses or disseminates all the information related to the initiatives taken

### ***Police Department***

Police Department is the key agency, which enforces the traffic rules and regulations in the urban and semi-urban areas but police department is responsible for assisting the transport department in enforcing the traffic rules, regulations in all the area of Rajasthan including rural area. Traffic Police and Civil Police are also mainly responsible for enforcing rules related to five risk areas, collecting and maintaining traffic violation data and accident data and identifying Black Spots and overseeing the Black Spot correction measures to be taken. The other detail about the Police Department is as follows:

**Table 3: Administrative Structure and Functioning of Police Department for Road Safety**

S. No.	Structure/Roles	Current Provisions
1.	<i>Administrative Structure of road safety</i>	<ul style="list-style-type: none"> <li>Home Minister of Rajasthan has been made part of the Cabinet Sub-Committee on Road Safety</li> <li>Principal Secretary, Home Department, Additional Director General (Traffic) and Superintendent of Police or SP (Traffic), Jaipur represents the Department in Road Safety Council constituted at State level</li> <li>A SP level official has been deputed to be part of the Road Safety Cell constituted at State level to carry out its functions and take decisions for Police Department</li> <li>Principal Secretary, Home Department and Director General of Police represent the Home and Police Department in the State Traffic Management Committee to carry out its functions and taking decisions</li> </ul>
2.	<i>Decision making process</i>	<ul style="list-style-type: none"> <li>Taking decisions related to road safety by State Road Safety Council, State Traffic Management Committee and Road Safety Cell at State level. Police Department being the lead enforcement department of the traffic rules, regulations and others takes orders from DGP and Additional Director General of Police (ADG) Traffic – and pass on the same down the line at district level up to Traffic SPs. Respective Traffic SPs further pass on the orders/instructions to the Police <i>Thana</i> level and ensures full compliance of the same</li> <li>Deputy SP level official of Police being a full-time part of the Road Safety Cell so is the key person for reporting the progress to the Cell regularly. The Police takes its decisions as per the given instructions, including decisions of higher level as per defined procedures and laid out guidelines of road safety</li> </ul>
3.	<i>Regulatory Road Safety</i>	<ul style="list-style-type: none"> <li>Enforcing Motor Vehicle Rules and regulations regulating</li> </ul>



S. No.	Structure/Roles	Current Provisions
	<i>Roles and Responsibilities</i>	<p>institutional set of traffic police and civil police, manage, and check traffic in urban and semi-urban areas of the State by the Police Department (Traffic &amp; Civil Police)</p> <ul style="list-style-type: none"> <li>• Planning internally for road safety and coordinating with other planning agencies or bodies related to road safety and provide necessary planning inputs</li> <li>• Collecting, maintaining road accident data and share the same with stakeholder departments, especially nodal departments for information and necessary action</li> <li>• Coordinating with the key stakeholder departments related to road safety, especially Transport Department, PWD/NHAI, Medical and Health, Education and UDH/LSG</li> <li>• Participating in the meetings relate to Cabinet Sub-Ministerial Committee on Road Safety, Road Safety Council, Road Safety Cell, State Traffic Management Committee and Traffic Control Board</li> <li>• Identifying Black Spots on roads and monitoring corrective taking measures</li> <li>• Following Good Samaritan guidelines, the Police plays the role of helping and ensuring road accident victims to reach emergency care</li> <li>• Penalising use of mobile phones by drivers, penalising riskily parked vehicles on highways, roads and removing encroachment from footpaths and roads</li> <li>• Taking action against drunk driving or drug driving as per the Road Safety Act and Rules by using sophisticated breath analysers</li> </ul>
4.	<i>Focus Areas regarding 5 risk factors</i>	<ul style="list-style-type: none"> <li>• Collecting road accident data and maintaining law and order issues regarding road safety and educating road users</li> <li>• Enforcing all rules on the ground need to be ensured by the Police</li> <li>• Taking actions against the violators of traffic rules and regulations as per the rules, especially ignoring the identified five risk areas</li> <li>• Monitoring the standards and quality of road safety products like helmets, child restraint systems, etc.</li> </ul>
5.	<i>Type of Road Safety Authority</i>	<ul style="list-style-type: none"> <li>• Exercising powers by the Police Department under Rajasthan Police Act, 2007 for enforcement of traffic laws and rules and taking legal actions against the violators</li> <li>• Collecting road accidents' data by the nodal agency related to probable reasons and also identifying Black Spots</li> </ul>

### ***PWD Department***

The PWD Department is mainly entrusted with construction and maintenance of Roads, Bridges and State Government buildings. It is the department, which constructs State Highways and other roads to be undertaken from time to time ensures to follow road safety measures at the design, construction and operational and maintenance stages of

all roads under it. It is accountable for putting up signages and rectifying black spots as per the recommendations given by the concerned agencies.

**Table 4: Administrative Structure and Functioning of PWD on Road Safety**

S. No.	Structure/Roles	Current Provisions
1.	<i>Administrative Structure</i>	<ul style="list-style-type: none"> <li>Minister of Transport and PWD is member of the Cabinet Sub Committee on Road Safety which further advises State Government on Road Safety related matters for taking up much required and suitable actions</li> <li>Principal Secretary and Chief Engineer are members of the Road Safety Council and State Traffic Management Committee. Executive Engineer or Superintending Engineer level officer is full time part of the Road Safety Cell, which is supreme monitoring or executing cell of all the road safety measures in State as per Road Safety Action Plan</li> </ul>
2.	<i>Decision making</i>	All the decisions related to Road Safety taken in State Road Safety Council, State Traffic Management Committee and Road Safety Cell at State level where PWD is also a member. PWD being the lead road construction agency at state level, implements road safety provisions in and on roads during design, construction, and operation & maintenance stages. After Minister and Principal Secretary, Chief Engineer (Roads) is the main decision maker and monitoring office regarding road safety
3.	<i>Regulatory Roles and Responsibilities</i>	<ul style="list-style-type: none"> <li>Construction of State Highways and other roads and Implementation of road design standards set by the IRC,</li> <li>Enhancing road markings and signs as per IRC standard on State Highways and other major roads</li> <li>Implementation of Road Safety Audit at design stage, construction stage and operation and maintenance stage of all the roads. Implementation of Road Safety Audit recommendations</li> <li>Elimination of high risk stretches (Black Spots), lighting, removal of dangerous road side objects, training of road safety engineers etc.</li> <li>Preparing Road Safety Action Plan for the State</li> <li>Improving junctions and street lights on State Highways and other roads</li> <li>Providing training on road safety to the engineers involved in planning, design, construction and operation of State Highways.</li> <li>Plugging unauthorised median cuts on roads, which cause accidents and taking measures to prevent driving the vehicles in opposite directions</li> <li>Establish a specialist road safety unit to monitor and improve the safety of road network</li> <li>Taking speed calming measures on State Highways near inhabited areas</li> <li>transition from highway to city traffic</li> <li>Removing encroachment from footpaths and roads</li> <li>Developing a Black Spot protocol as per the directions of MoRTH</li> </ul>

S. No.	Structure/Roles	Current Provisions
		vide memo no. 1796-E-n-C/2015 dated 29.09.2015
4.	<i>Focus areas regarding five risk factors</i>	<ul style="list-style-type: none"> <li>• Designing, constructing, operating and maintaining safe roads in the State</li> <li>• Lane markings as per speed of the vehicle to control the same</li> <li>• Putting up speed limit signages on State Highways and other roads</li> </ul>
5.	<i>Nature of Road Safety Authority</i>	<ul style="list-style-type: none"> <li>• Public Works Department wields powers of road construction and responsible for road safety in Rajasthan as per the provisions of 'State Road Fund Rules, 2004' and 'Rajasthan State Highways Act, 2014'</li> <li>• As per Rajasthan Motor vehicle Rules, 1990 and Road Safety Policy of Rajasthan PWD is responsible of constructing State Highways and other roads</li> </ul>
6.	<i>Coordination with other States and National institutions regarding Regulatory issues</i>	<ul style="list-style-type: none"> <li>• The Minister and various designated officials of PWD represent in Cabinet Sub Ministerial Committee on Road Safety, Road Safety Council, Road Safety Cell, State Traffic Management Committee and Traffic Control Boards of Jaipur and Jodhpur.</li> <li>• PWD reports and shares data with the concerned national agencies related to road standards. Besides it also shares reports and information related to action taken on Black Spots and other measures taken in response of the decisions taken in the above mentioned Committees /Cells</li> </ul>

### ***Medical and Health Department***

Medical and Health Department is to provide prompt trauma care service and facilities to the road accident victims as per the defined guidelines and standards. Medical and Health Department also generates data related to trauma care of the accident victims and related aspects. The apex court has further directed the doctors not to refuse providing treatment to an accident victim and the Police should not harass Good Samaritan. It also upgrades the trauma care facilities at Government health centres. The Department plans for seamless networking amongst health facilities, rescue services, existing fleet of ambulances, etc., through a single toll-free helpline.

It is expected to deploy ambulances and crash rescue vehicles near accident prone spots on State Highways. Capacity building and regular training in First Aid to the people who are near the highways like toll people, workers at shops and *Dhabas* and volunteers from neighbouring villages. Making training arrangements for Emergency Medical Technicians (EMTs) and doctors, for providing immediate medical treatment to the victims.. Arranging for trainings f for commercial heavy vehicle drivers for providing first aid trauma care and the vehicles equipped with first aid boxes. Providing training to State Transport Undertaking staff including drivers and conductors for giving immediate first aid to the victim.

**Table 5: Administrative Structure and Functioning  
of Health and Medical Department**

S. No.	Structure/Roles	Current Provisions
1.	<i>Administrative Structure</i>	<ul style="list-style-type: none"> <li>Health Minister is part of three members Cabinet Sub Committee on Road Safety which is the highest level committee at Government of Rajasthan.</li> <li>Principal Secretary is member of State Road Safety Council and State Traffic Management Committee and these Committees are highest decision making bodies related to road safety</li> <li>Deputy Director level official executes road safety decisions and plans</li> </ul>
2.	<i>Decision making</i>	<ul style="list-style-type: none"> <li>Health Minister himself being part of three members Cabinet Sub-Committee on Road Safety is the supreme decision maker for road safety and takes policy decisions</li> <li>Principal Secretary is the Administrative Head of the Department and takes all the executive and regulatory decisions regarding the road safety</li> </ul>
3.	<i>Regulatory Roles and Responsibilities</i>	<ul style="list-style-type: none"> <li>Providing trauma care facilities to the road accident victims as per guidelines and generating data related to trauma care of the accident victims</li> <li>The apex court has further directed that the doctors must not refuse treatment to an accident victim and that police should not harass Good Samaritan</li> <li>Upgradation of trauma care facilities at Government health centres</li> <li>Verifying and designate the existing healthcare facilities along the Highways and upgrade accordingly and enhance emergency care facility at national and State Highways</li> <li>Deploy ambulances and crash rescue vehicles near accident prone spots on State Highways</li> <li>Capacity building and regular training in First Aid to the people who are near the Highways</li> <li>Training Emergency Medical Technicians (EMTs) and doctors with requisite skills in emergency response services</li> </ul>
5.	<i>Focus areas/areas of expertise regarding five risk factors</i>	<ul style="list-style-type: none"> <li>Providing trauma care facilities to the road accident victims as per guidelines and set standards</li> <li>Providing essential care to the accidents victims caused due to over speed, drink/drug/distracted driving, not wearing helmets and seat belts and not having child restraint systems in cars</li> </ul>
6.	<i>Nature of Road Safety Authority</i>	<ul style="list-style-type: none"> <li>Legally as per given mandate, emergency care and trauma care is provided by the State Governments and in referral facilities are also available at National trauma care centres as well</li> <li>As per Central and Rajasthan state motor vehicle rules, the primary responsibility of trauma care is also lies with the State and Central trauma care centres</li> </ul>

S. No.	Structure/Roles	Current Provisions
7.	<i>Coordination with other States and National institutions regarding Regulatory issues</i>	<ul style="list-style-type: none"> <li>Health Minister reports and share the facts, figures and related data about the trauma care and other activities related to road safety to the Government and Cabinet Sub-Ministerial Committee on Road Safety</li> <li>Principal Secretary as member of State Road Safety Council and State Traffic Management Committee is to share the facts and data to these bodies at State level</li> <li>The Deputy Director level official reports and shares the facts, figures and related data about the trauma care and other activities related to road safety the Cell, and the Cell further reports to the concerned Department at State Government and Central Governmental level</li> </ul>

### ***Urban Development and Housing Department***

Urban Development and Housing Department or UDHD is responsible for ensuring the road safety on all the roads constructed by them in the urban areas under their jurisdiction.

**Table 6: Administrative Structure and Functioning of UDHD**

S. No	Structure/Roles	Current Provisions
1.	<i>Administrative Structure</i>	<ul style="list-style-type: none"> <li>Additional Chief Secretary of the Department is the administrative head related to decisions to be taken at governmental level and directly receives the directions and take decisions taken regarding road safety. The Chief Engineer (in charge of Roads) also plays key role in construction of city roads/ ensuring road safety technical requirements. Besides, fleet of engineers who executes and monitors the road construction work, are also devolved some monitoring and fiduciary powers and at the same ensuring compliance of the standards of road safety</li> </ul>
2.	<i>Decision making process</i>	<ul style="list-style-type: none"> <li>The additional Chief Secretary level official is the administrative head of the department so his office is the main decision maker related to road safety. Down the line concerned Joint Secretaries and town planners also play a significant role in the city roads construction. Down the line of Chief Engineer, there is a fleet of engineers who execute and monitor the road construction work are also devolved some decision making powers related to execution, monitoring and fiduciary powers, which they can use as per local conditions and demand</li> </ul>
3.	<i>Regulatory Roles and Responsibilities</i>	<ul style="list-style-type: none"> <li>Constructing roads in the urban areas and implementation of road design standards set by the IRC</li> <li>Improving road markings and signs as per IRC standard on major and other roads in the urban areas</li> <li>Implementation of Road Safety Audit at design, construction and Operation and Maintenance stage of all the roads. Implementation of Road Safety Audit recommendations</li> <li>On urban roads, elimination of high risk stretches (Black Spots),</li> </ul>

S. No	Structure/Roles	Current Provisions
		<p>lighting, removal of dangerous road side objects, training of road safety engineers, etc.</p> <ul style="list-style-type: none"> <li>• Carrying out proposed activities mentioned in the Road Safety Action Plan for Rajasthan</li> <li>• Enhancing junctions and street lights in urban areas</li> <li>• Training engineers on road safety by involving them in planning, design, construction and operation of urban roads</li> <li>• Establishing a specialist road safety unit to monitor and improve the safety of road network</li> <li>• Taking speed calming measures on urban roads: Provision of crossover for pedestrians and safety devices like central verge, railing, grills on both sides of the roads if required.</li> <li>• Installation of speed management measures on city roads if required</li> <li>• Providing bus lay byes and bus stops if required along the city roads and developing road furniture as per guidelines. Following the Black Spot protocol as per the directions of MoRTH vide memo no. 1796-E-n-C/2015 dated 29.09.15 or PWD</li> <li>• Identification of Black Spots with joint inspection with Police Officials by giving weightage to fatalities, serious accidents, minor accidents and damage to property. The sections will be taken up for improvement and remedial measures in a descending order</li> <li>• Analysis of the Black Spots from accident records from Police Department in a time-bound manner after joint inspection. Based on the information collected, short, medium and long term remedial measures shall be taken</li> </ul>
4.	<i>Focus areas/ areas of expertise regarding five risk factors</i>	<ul style="list-style-type: none"> <li>• Design, construct, operate and maintain safe roads in urban areas in Rajasthan</li> <li>• As mentioned above UDH department takes traffic calming measures on urban roads to control the speed</li> <li>• Lane markings as per speed of the vehicle to control the same</li> <li>• Putting up speed limit signage on urban roads</li> </ul>
5.	<i>Nature of Road Safety Authority</i>	<ul style="list-style-type: none"> <li>• UDH wields powers of road construction and responsible for road safety in urban/ city roads in Rajasthan as per the provisions of Rajasthan Municipal Act, 2009</li> <li>• As per Rajasthan Motor vehicle Rules, 1990 and Road Safety Policy of Rajasthan, UDHD is responsible of constructing urban or city roads and taking all possible road safety measures on these roads</li> </ul>
6.	<i>Coordination with other States and National institutions regarding regulatory issues</i>	<ul style="list-style-type: none"> <li>• Various designated UDHD officials represent in the Road Safety Council, Road Safety Cell, State Traffic Management Committee and concerned Traffic Control Boards</li> <li>• UDHD shares information related to road safety and Black Spots and other steps taken in compliance of the directions given by the above Committees/Cells and concerned Stakeholder Departments</li> </ul>



### **Local Self Government Department**

The Local Self Government (LSG) Department is responsible for ensuring the road safety on all the roads constructed by them in the municipal areas in their jurisdiction.

**Table 7: Administrative Structure and Functioning of LSG**

<b>S. No.</b>	<b>Structure/Roles</b>	<b>Current Provisions</b>
1.	<i>Administrative Structure</i>	<ul style="list-style-type: none"><li>• The Principal Secretary is administrative head of the Department. A Deputy Director official has been nominated by the LSG for road safety who is the member of the Road Safety Cell at State level</li></ul>
2.	<i>Decision making process</i>	<ul style="list-style-type: none"><li>• A Deputy Director who is member of the Road Safety Cell at State level is the nodal person of the Department for road safety. He shares related decisions, directions and recommendations to be taken up at LSG level to the concerned for action and The Chief Engineer of the LSG ensures implementation of standards, guidelines and recommendations of road safety audits done on the municipal roads</li></ul>
3.	<i>Roles and Responsibilities regarding Regulation</i>	<ul style="list-style-type: none"><li>• Construction of roads in the municipal areas and Implementation of road design standards set by the Indian Road Congress</li><li>• Improvement of road markings and signs as per IRC standards on major and other roads in the municipal areas</li><li>• Implementation of Road Safety Audit at design, construction and Operation and Maintenance stage of all the roads. Implementation of Road Safety Audit recommendations on municipal roads</li><li>• Elimination of high risk stretches (Black Spots), lights, removal of dangerous road side objects, on municipal roads and training of road safety engineers etc.</li><li>• Carrying out proposed activities mentioned in the Road Safety Action Plan for municipal roads in Rajasthan</li><li>• Plugging unauthorised median cuts on municipal roads which cause accidents and taking measures to prevent driving the vehicles in opposite directions</li><li>• Establishing a specialist road safety unit to monitor and improve the safety of municipal road network</li><li>• Taking speed calming measures on urban roads: Provision of crossover for pedestrians and safety devices like central verge, railing, grills on both sides of the municipal roads if required</li><li>• Installation of speed management measures on all the municipal roads if required</li><li>• Remove encroachment from footpaths and roads</li><li>• Following the Black Spot protocol as per the directions of MoRTH vide memo no. 1796-E-n-C/2015 dated 29.09.15 Identification of Black Spots with joint inspection with Police Officials by giving weightage to fatalities, serious accidents, minor accidents and damage to property and acting accordingly</li><li>• Analysis of the Black Spots after obtaining the accidents records from police department in a time bound manner after joint inspection</li></ul>

S. No.	Structure/Roles	Current Provisions
4.	<i>Focus areas/ areas of expertise regarding five risk factors</i>	<ul style="list-style-type: none"> <li>Designing, constructing, operating and maintaining safe roads in municipal areas in Rajasthan</li> <li>As mentioned above LSG department takes traffic calming measures on all the municipal roads to control speed</li> <li>Lane markings as per the speed of the vehicle to control the same and putting up all the required signages on municipal roads</li> </ul>
5.	<i>Nature of road safety authority</i>	<ul style="list-style-type: none"> <li>LSG wields powers of road construction and responsible for road safety in urban or city roads in Rajasthan as per the provisions of Rajasthan Municipal Act, 2009</li> <li>As per Rajasthan Motor vehicle Rules, 1990 and Road Safety Policy of Rajasthan, LSG is accountable for constructing municipal roads and taking all road safety measures</li> </ul>
6.	<i>Coordination with other States and National institutions regarding regulatory issues</i>	<ul style="list-style-type: none"> <li>Various designated officials of LSG represent in the Road Safety Council, Road Safety Cell, State Traffic Management Committee and concerned Traffic Control Boards. A Deputy Director level official is part of the Road Safety Cell so they take orders/directions or share progress reports with these bodies</li> <li>LSG Department shares all concerned reports and information related to action taken on Black Spots and other road safety measures taken in compliance of the directions given by the above Committees from time to time</li> </ul>

### **Education Department**

Education Department is one of the Stakeholder Department, which is responsible for generating road safety awareness among teachers and students of classes VI to XII. It also designs the curriculum, which includes road safety chapters.

**Table 8: Administrative Structure and Functioning of Education Department**

S. No.	Structure/Roles	Current Provisions
1.	<i>Administrative Structure</i>	<ul style="list-style-type: none"> <li>Principal Secretary as member of the apex level bodies decision making bodies like Road Safety Council, Road Safety Cell, State Traffic Management Committee gets their directions to take appropriate actions for awareness of traffic rules and road safety issues</li> </ul>
2.	<i>Decision making</i>	<ul style="list-style-type: none"> <li>After Principal Secretary, down the level secretary, Director (Secondary Education) and Director (Elementary Education) also play a key role in decision making processes related to implementing the activities to be conducted as per Road Safety Action of Rajasthan and to play other roles and responsibilities as per Road Safety Policy and Rajasthan Motor Vehicle Rules, 1990</li> <li>Since the Deputy Director (Secondary Education) and Deputy Director (Elementary Education) are members of Road Safety Cell at state level so they take decisions regarding the directions given by this cell for the respective Elementary and Secondary</li> </ul>



S. No.	Structure/Roles	Current Provisions
		education departments
3.	<i>Regulatory Roles and Responsibilities</i>	<ul style="list-style-type: none"> <li>• Education Department plays crucial role in educating the school children in various ways and inculcating traffic sense, awareness and traffic rule following habits among them</li> <li>• Inclusion of road safety education in the curriculum of standard of VI to X in the State</li> <li>• Review and research of current Road Safety Education practices and responsibilities. Developing IED material for road safety, especially targeting youths and students</li> <li>• Development of 'Road Safety Education School Curriculum' as part of a package on Life/Value Education in the syllabi of classes VI to XII</li> <li>• Improvement and inclusion in teachers' training and inclusion of road safety lessons in teacher training</li> </ul>
4.	<i>Focus areas regarding five risk factors</i>	<ul style="list-style-type: none"> <li>• Education Department has mandate of educating students of elementary and secondary standards in the State about traffic rules, regulations</li> <li>• It bears the responsibility of making aware to the students and youths about the five risk areas</li> </ul>
5.	<i>Nature of Police Department/Road Safety Authority</i>	<ul style="list-style-type: none"> <li>• As per the decisions taken at State Government level, since Education department is dealing with lakh of students in entire State they could be the best agency to impart education and awareness related activities</li> </ul>
6.	<i>Coordination with other States and National institutions regarding regulatory issues</i>	<ul style="list-style-type: none"> <li>• The respective Deputy Director (Secondary Education) and Deputy Director (Elementary Education) are the nodal persons for road safety related activities at departmental level. They generate data based on the activities, outputs and outcome and collate and aggregate the same. The finalised data sets and information is shared with the concerned line managers, which is further shared with Principal Secretary within the Department</li> <li>• The respective Deputy Director (Secondary Education) and Deputy Director (Elementary Education) both are member of the road safety cell share the finalised data sets and information to the concerned members, nodal agency, which is the Transport Department and to the concerned Ministers for necessary directions</li> </ul>

### ***National Highways Authority of India***

National Highways Authority of India or NHAI is responsible for the construction of the national highways and Implements road design standards set by the IRC. It improves road markings and signs as per IRC standards on national highways. It ensures implementation of Road Safety Audit at design stage, construction stage and operation and maintenance stage of all the National Highways.

It eliminates high risk stretches (Black Spots), lighting, removal of dangerous road side objects, training of road safety engineers etc. Implementation of the related activities mentioned in the Road Safety Action Plan for Rajasthan. It also enhances junctions and

lightings on National Highways and nearby habitations if required and organises trainings for road safety to engineers involved in planning, design, construction and operation of National Highways.

**Table 9: Administrative Structure and Functioning of NHAI**

S. No.	Structure/Roles	Current Provisions
1.	<i>Administrative Structure</i>	<ul style="list-style-type: none"> <li>Regional Office of NHAI (Jaipur) is responsible for constructing the national highways as per sanction of government of India</li> <li>The Regional Offices have very good setup and equipped with good human and other resources</li> <li>General Manager of NHAI at Regional Office Jaipur is the main person responsible for taking all concerned decisions on the directions give to them from State and Central Governmental level</li> <li>NHAI Regional Office, Jaipur has a dedicated Road Safety Officer of the rank of Deputy General Manager or so to ensure compliance of all road safety related measures on all the national highways in the state. The dedicated Road Safety Officer has all the required facilities of transportation and taking help or guidance of required number of road safety consultants</li> </ul>
2.	<i>Decision making</i>	<ul style="list-style-type: none"> <li>Regional Office of NHAI (Jaipur) has a dedicated committee of road safety having the General Manager and a dedicated Road Safety Officer of the rank of Deputy General Manager who is guided and supervised by the General Manager as its members. This Committee is headed by the regional office in-charge. This committee takes all the important decisions related to road safety and ensures implementation of the same as well on ground</li> </ul>
3.	<i>Regulatory Roles and Responsibilities</i>	<ul style="list-style-type: none"> <li>Construction of National Highways and Implementation of road design standards set by the IRC</li> <li>Improvement of road markings and signs as per IRC standard on national highways</li> <li>Implementation of Road Safety Audit at designing stage, and operation/maintenance of all National Highways and Implementation of Road Safety Audit recommendations</li> <li>Elimination of high risk stretches (Black Spots), lighting, removal of dangerous road side objects, training of road safety engineers</li> <li>Implementation of the related activities mentioned in the Road Safety Action Plan for State of Rajasthan and enhancing junctions and road lights on National Highways and nearby habitations as and when required</li> <li>Training on road safety to engineers involved in planning, design, construction and operation of National Highways.</li> <li>Plugging unauthorised median cuts on national highways, which cause accidents and taking measures to prevent driving the vehicles in opposite directions</li> <li>Taking speed limit measures on National Highways near the inhabited areas. Putting caution signs, speed calming measures etc.</li> <li>Remove encroachment from footpaths and roads</li> <li>Developing a Black Spot protocol as per the directions of MoRTH</li> </ul>

S. No.	Structure/Roles	Current Provisions
		<p>vide memo no. 1796-E-n-C/2015 dated 29.09.2015.</p> <ul style="list-style-type: none"> <li>• Identification of Black Spots with joint inspection with Police Officials by giving weightage to fatalities, serious accidents, minor accidents and damage to property</li> <li>• Analysis of the Black Spots after obtaining the accidents records from police department in a time bound manner after joint inspection</li> <li>• Regular reporting about the current status of Black Spots to the concerns at State and National level</li> </ul>
4.	<i>Focus areas/ areas of expertise regarding five risk factors</i>	<ul style="list-style-type: none"> <li>• Designing, constructing, operating and maintaining safe National Highways in the state</li> <li>• Taking traffic reducing measures on National Highways to control the high speed</li> <li>• Putting up relevant signages on National Highways for awareness of common road users</li> </ul>
5.	<i>Nature of Road Safety Authority</i>	<ul style="list-style-type: none"> <li>• NHAI has legal mandate of constructing National Highways and other roads decided to construct by the MoRTH on time to time. It should ensure that proper road safety measures are followed on the roads constructed as per the provisions of 'National Highways Act, 2002' and Central Road Fund Act and Rules (NHAI) in the State and across the country in general</li> </ul>
6.	<i>Coordination with other States and National institutions regarding regulatory issues</i>	<ul style="list-style-type: none"> <li>• The General Manager (NHAI, Jaipur) Regional Office being a member of the Road Safety Council, shares the required information to Council members and State Transport Department office directly on regular basis</li> <li>• NHAI Regional Office reports data related to progress made regarding road safety measures taken to the concerned national agencies, and action taken on Black Spots and following the decisions taken by the Road Safety Council regularly</li> </ul>

### ***Stakeholder Institutions Representation***

Table 10 shows the representation of the stakeholder departments in various Committees and Cells set out at State level. These are road safety decision making bodies at State level.

**Table 10: Representation of the Stakeholder Departments**

S. No.	Department	Representation	Administrative Department
1.	<i>Transport</i>	<ul style="list-style-type: none"> <li>• Cabinet Sub Ministerial Committee on Road Safety: Minister, Transport and PWD</li> <li>• Road Safety Council: Principal Secretary</li> <li>• Road Safety Cell: Transport Commissioner, ATC, DTC, and Divisional Transport Officer</li> <li>• State Traffic Management Committee:</li> </ul>	<ul style="list-style-type: none"> <li>• Cabinet Sub- Ministerial Committee on Road Safety Principal Secretary is Member Secretary</li> <li>• Road Safety Council</li> <li>• Road Safety Cell</li> <li>• State Traffic Management</li> </ul>

S. No.	Department	Representation	Administrative Department
		Principal Secretary, Transport Commissioner <ul style="list-style-type: none"> <li>Traffic Control Board, Jaipur: Transport Commissioner</li> </ul>	Committee. Transport Commissioner is the Member Secretary. <ul style="list-style-type: none"> <li>Local Development Authorities are nodal agency for Traffic Control Boards</li> </ul>
2.	<i>Home Department (Traffic Police and Civil Police)</i>	<ul style="list-style-type: none"> <li>Cabinet Sub Ministerial Committee on Road Safety: Home Minister</li> <li>Road Safety Council: Principal Secretary, ADG (Traffic) and DCP Traffic</li> <li>Road Safety Cell: Dy. SP level Official</li> <li>State Traffic Management Committee: Principal Secretary, DGP</li> <li>Traffic Control Board, Jaipur: DCP Traffic</li> </ul>	
3.	<i>Public Works Department</i>	<ul style="list-style-type: none"> <li>Cabinet Sub Ministerial Committee on Road Safety: Transport &amp; PWD Minister represents in Road Safety Council: Principal Secretary, Chief Engineer (Roads)</li> <li>Road Safety Cell: Ex. En. /S.E. level official</li> <li>State Traffic Management Committee: Principal Secretary</li> <li>Traffic Control Board Jaipur: Chief Engineer, PWD, Rajasthan</li> </ul>	
4.	<i>Medical and Health</i>	<ul style="list-style-type: none"> <li>Cabinet Sub Ministerial Committee on Road Safety: Health Minister</li> <li>Road Safety Council: Principal Secretary</li> <li>Road Safety Cell: Deputy Director level official</li> <li>State Traffic Management Committee: Principal Secretary</li> </ul>	
5.	<i>Education</i>	<ul style="list-style-type: none"> <li>Road Safety Council: Principal Secretary</li> <li>Road Safety Cell: Deputy Director (Elementary and Secondary) level official</li> <li>State Traffic Management Committee: Principal. Secretary (Elementary and Secondary)</li> </ul>	
6.	<i>Urban Development and Housing</i>	<ul style="list-style-type: none"> <li>Road Safety Council: Principal Secretary</li> <li>Road Safety Cell: Assistant Secretary</li> </ul>	

S. No.	Department	Representation	Administrative Department
		level official • State Traffic Management Committee: Principal Secretary • Traffic Control Board Jaipur: Director, Town Planning of the Authority • Traffic Control Board Jaipur: Commissioner JDA, Secretary, JDA, Director, Engineering, JDA	
7.	<i>Local Self Government</i>	• Road Safety Cell: Deputy Director level official • Traffic Control Board: Chairman/Administrator, Municipal Council, Jaipur	
8.	<i>Rajasthan State Road Transport Corporation (RSRTC)</i>	• Road Safety Council: Managing Director • State Traffic Management Committee: Chairman • Traffic Control Board: General Manager, RSRTC	
9.	<i>National Highway Authority of India (NHAI)</i>	• Road Safety Council, General Manager	
10.	<i>State Motor Garage</i>	• Road Safety Council: Controller	
11.	<i>State Pollution Control Board</i>	• State Traffic Management Committee: Chairman.	
12.	<i>Jaipur Development Authority</i>	• Road Safety Council: Secretary	
13.	<i>Department of Information Technology and Communications</i>	• Road Safety Cell: Deputy Director level Official	
14.	<i>Chief Secretary Office</i>	• State Traffic Management Committee: Chief Secretary and others	• Transport Department: Transport Commissioner as Member Secretary
15.	<i>District Collector</i>	• District Traffic Management Committee: District Collector and others	• Transport Department RTO/DTO as Member Secretary

S. No.	Department	Representation	Administrative Department
16.	Sub Divisional Officer	<ul style="list-style-type: none"> <li>Sub Divisional Traffic Management Committee: SDM and others</li> </ul>	<ul style="list-style-type: none"> <li>Transport Department</li> <li>DTO as Member Secretary</li> </ul>

### ***Other Road Safety Institutes***

#### ***Ministerial Sub-Committee on Road Safety***

To regularly evaluate the initiatives taken for Road Safety in Rajasthan, a Ministerial Sub Committee on Road Safety was constituted on June 16, 2015. The Committee consists of Home Minister, Health Minister and PWD Minister as its Members. Members are responsible for microscopic evaluation of all the road accidents happening in the state on a regular basis along with regular evaluation of the implementation of all the initiatives/programmes run for road safety in Rajasthan. The administrative department of the Committee will be Transport Department and Principal Secretary of Transport Department will be its Member Secretary.

#### ***State Road Safety Council***

This Committee was constituted in July 03, 2009 in compliance with Section 215 of the Motor Vehicle Act, 1988. It has more than 20 members, which include:. SRSC's meetings are held on monthly basis and nominations of the non-governmental officials are designated by Chief Ministers' Office only. SRSC ponders upon the increasing rate of motor vehicle accidents, and how to control the same and gives appropriate recommendations to the State Government.

So far, 10 meetings of SRSC have taken place and the last i.e.10<sup>th</sup> meeting was conducted in December 24, 2015. SRSC was reconstituted in December 08, 2015. In this some new members from Director, Centre for Road Safety, Sardar Patel University of Police, Security and Criminal Justice, Jodhpur and a representative from Department of Disaster Management, Government of Rajasthan, NGO representatives from all the Seven divisions of Rajasthan, one each representative of two-wheeler and four wheeler manufacturers/dealers also were made part of the SRSC.

As far as functions of the Rajasthan State Road Safety Council is concerned, it studies the road engineering of accident prone zones and evaluates the proposals made to correct those engineering concerns in the roads for effective implementation of these proposals and action points. It also determines minimum road safety standards other roads than National Highways.

Monitoring of implementation of the rules and provisions related to Road Safety. The SRSC builds public consciousness about the rules and Road Safety and Traffic Management Policies and disseminates of the same and educating drivers to change their risky driving behaviour.

SRSC takes all necessary decisions related to Road Safety and Traffic Management and ensures implementation of these decisions through the concerned departments. All the decisions taken by SRSC are directly sent to concerned ministers and principal

secretaries for implementation. SRSC also apprise about all the decisions and enforcement report of all these decisions to the Chief Minister of the state. All the decisions taken by the SRSC related to Road Safety and Traffic Management can directly be sent to all the stakeholder Departments, Agencies, Boards, Authorities cells, which will be legally binding upon all of them.

### ***Road Safety Steering Committee***

Road Safety Steering Committee was constituted in the Chairmanship of Principal Secretary, Transport Department, Government of Rajasthan in October 24, 2011 to follow-up, evaluate and ensuring compliance up to down the line of all the decisions taken at SRSC level. The meetings of this Committee is held on monthly basis, it decides the agenda of the SRSC meetings and ensures effective enforcement of all the decisions taken in all these meetings. It coordinates with all the Stakeholder Departments or Agencies as well regarding to this effect. The Chairman of this Committee is Principal Secretary, Transport and other members are Director, Health and Medical Department, Deputy Commissioner, Traffic Police, Jaipur, Chief Engineer (Roads), PWD, Executive Director, RSRTS, General Manager, NHAI, Secretary, Jaipur Development Authority (JDA), Joint Transport Commissioner, Deputy Transport Commissioner (Rules), Deputy Transport Commissioner (Planning Department) and NGO representative nominated by the Chief Minister herself. Transport Department itself is the Administrative Department of the Committee, Road Safety Cell or Lead Agency for Road Safety and Traffic Management.

### ***Structure of the Road Safety Cell***

In order to fulfill the State Government's commitment towards reducing road accidents, road injuries and road crashes in the state and to ensure effective implementation of road safety initiatives in a well-coordinated manner, a road safety cell was constituted in Rajasthan on June 22, 2016. Members of the road safety cell includes Transport Commissioner or Commissioner Road Safety, Additional Transport Commissioner or Joint Transport Commissioner, Deputy Transport Commissioner (Road Safety), one each representative from PWD (Not below the rank of Exen/SE), representative from Medical and Health (Not below than the rank of Deputy Director), UDH (Not below than the rank of Assistant Secretary), LSG (Not below than the rank of Deputy Director), Police (Not below than the rank of Deputy SP), Education (Primary) (Not below than the rank of Deputy Director), Education (Sec.) (Not below than the rank of Deputy Director), Department of Information and Technology (Not below than the rank of Deputy Director) District Transport Officer (Road Safety) Secretariat, District Transport Officer (Road Safety/Coordination), AAO, SO/ASO, Accountant/Jr. Accountant, MV1/MVS12, LDC/UDC 2 and IA-4.

The Road Safety Cell works as a Secretariat to the SRSC and is headed by the Transport Minister. It works as a Secretariat to the Cabinet Sub-Committee on Road Safety and the State Level Transport Management Committee. It ensures time bound compliance of directions issued by Supreme Court Committee on road safety. Besides, the Cell ensures compliance of provisions of State Road Safety Policy through formulation and implementation of target oriented action plan. It prepares proposals for budget allocation and judicious expenditure on Road Safety Measures. It also organises regular meetings of District and Sub Divisional Level Road safety Committees and compliance of



decisions taken at State Level through them. It also monitors and ensures implementation of all other activities related to road safety.

### ***State Level Traffic Management Committee***

State Level Traffic Management Committee was constituted in the Chairmanship of Chief Secretary of Rajasthan dated April 10, 2007 to strengthen the transport arrangements, for controlling vehicular pollution and for controlling road accidents. The last meeting of the committee was held on dated April 04, 2016.

This committee has 12 members viz. the Chief Secretary (Chairperson), Principal Secretary, Home and Traffic, Director General of Police, Principal Secretary of UDH, Principal Secretary, PWD, Principal Secretary, Medical and Health, MD, RSRTC, Chairman, Rajasthan State Pollution Control Board, Principal Secretary of Elementary and Secondary Education, Transport Commissioner and two prominent NGOs working in the area of Road Safety who are nominated by the Chief Secretary himself.

This committee has mandate of making transportation facilities more comfortable, transparent and accountable. Controlling road accidents and bringing down the rate, ensuring emergency trauma care at National Highways and State Highways, disseminating the traffic education among all the educational institutes, Improvement in road condition and addressing the road engineering issues, controlling overloading, overcrowding and vehicular pollution. This is permanent Committee and its administrative department is Transport department. The meeting of this Committee is held on quarterly basis.

### ***Road Safety Commissioner***

In order to advice the state government on the matter of road safety and to monitor the road safety programs in the state, Government of Rajasthan has nominated the Transport Commissioner as Road Safety Commissioner. The roles and responsibilities of the Road Safety Commissioner are to advice the State Government on Road Safety Policies to be followed by the state, implement the decisions of the road safety council of Rajasthan, overseeing the functions of the Road Safety Cell and District Level Traffic Management Committee, suggest and recommend specific schemes for financial assistance under road safety fund, coordinate the activities of the Road Safety Cell and all concerned stakeholder departments and agencies, collections of state level accident statistics, analysing the same and share it with the government and stakeholders and finally taking up strong education campaigns for road safety among all the stakeholders and common road users.

### ***District Level Traffic Management Committee***

To strengthen the Road Safety and traffic Management at district level, Transport Department has been constituted various committees at district level in all the districts of Rajasthan time to time. It constituted a permanent District level Committee on Traffic Management dated February 05, 2000, constituted another Traffic Advisory Committee dated May 20, 2003 and Committee for controlling Road Accidents dated September 03, 2004.

In the compliance of the order dated June 28, 2008 from Department of Administrative Reforms, all the three road safety related committees as mentioned above were merged



and a District Level Traffic Management Committees was formed in all the 33 districts of Rajasthan. This committee was formed to ensure road safety in all the districts of Rajasthan in the chairmanship of the respective District Collectors. In the committee the other members are District SP, Zila Pramukh (Chairman, District Panchayat Council), All the Member of Legislative Assembly from the district, Chairman, Municipality/Corporation/Board, Superintending/Executive Engineer from PWD, Secretary, UITs, CH&HO, Two representatives from the NGOs working on Road Safety in the district nominated by the Transport Department, on each representatives from truck and bus operators, Deputy Director/District Education Office from Education Department, District PRO, MD of RSRTC and finally RTO/DTO.

Furthermore, the Committee strives for making transportation facilities more comfortable, transparent and accountable, improving Urban Transport Arrangements and promoting Road Safety Education among road users. The Committee also works for suggesting and opening up new transport routes for starting bus transport facilities, it also works for adding up new bus stops and enhancing existing bus stop facilities. It gives the recommendations to control and monitor illegal transport vehicles. The Committee investigates and study the reasons of all the road accidents, suggesting remedial measures to avoid the causes of accident, controlling over-crowding and overloading of jeeps, trucks, mini buses, and taxies, improving the quality of services of RSRTC, and making alternative transport arrangements as per transportation requirements, Suggesting, Recommending and enforcing road construction, broadening the roads, building slip lanes, building over bridges, developing alternate roads and suggesting for better road safety measures, organising road safety education and awareness activities.

This Committee meets at quarterly basis, and all the decisions taken in this Committee will include all the concerned Stakeholder Departments of Agencies at district level, the Divisional Commissioner of the concerned district under him, will review all the decisions taken by the Committee to ensure effective compliance. It is a permanent Committee and its nodal department is Transport Department.

### ***Sub Divisional level Road Safety Committees***

Sub Divisional level Road Safety Committees are formed in all the 244 sub divisions of Rajasthan dated July 18, 2016. The functions of Sub-Divisional Committees are as following:

- Ensuring transportation facilities more comfortable, transparent and accountable, ensuring compliance of all the traffic rules effectively. It investigates and studies the reasons of all the road accidents, suggests remedial measures to avoid the accident, and in bringing down the accident rates in the sub division.
- Controlling over-crowding and over-loading of jeeps, trucks, mini buses, and taxies, enhancing the quality of services of RSRTC, and making alternative transport arrangements as per transportation requirements
- Recommending and enforcing road construction, broadening the roads, building slip lanes, building over bridges, developing alternate roads and suggesting for better road safety measures

- Organising road safety education and awareness activities regularly
- Enforcing all the road safety decisions and orders of Sub Ministerial Committee on Road Safety, Supreme Court Committee on Road Safety, Road Safety Council, Road Safety Cell, Transport Department, State Traffic Management Committee and District Level Traffic Management Committee,

Ensuring assistance in the auditing process of all the major road accidents and accident prone areas and functioning regarding road safety at Sub Divisional level.

### ***Dedicated Road Safety Fund, Rajasthan***

In the compliance of the State Road Safety Policy, Rajasthan a dedicated Road Safety Fund, which is constituted at State level dated April 03, 2017. The State Road Safety Fund, which was constituted in the year 2011 has been merged in this newly created Fund which is permanent in nature with more financial allocations and resources. For Dedicated Road Safety Fund, an expenditure of Rs110.37 lakh has been incurred in the year 2015-16 against an outlay of ₹250.08 lakh. An outlay of ₹250.08 lakh is kept for the Annual Plan 2016-17.

### ***Objectives of Dedicated Road Safety Fund***

- Bearing all the expenses related to preventive actions and initiatives taken to control number of road accidents, injuries and deaths
- Successful and effective implementation of Road Safety Policy and Road Safety Action Plan of Rajasthan
- Strengthening of Road Safety Cell and other institutional arrangements in the State
- Strengthening the structural framework related to road safety in the State
- Making the Road Transport system safe in the State of Rajasthan

### ***Nodal Department for the Dedicated Road Safety Fund (DRSF)***

The Transport Department is the nodal department for the management and coordination of the DRSF. The Additional Chief Secretary/Principal Secretary/Secretary is the nodal officer for this fund. All the stakeholder departments/agencies avail this fund through Transport Department only.

Transport Department, Police Department, Public Works Department, Medical and Health, Local Self Department, Urban Development and Housing Department, Education Department, Rajasthan State Road Development and Construction Corporation Limited (RSRDCC), Road Infrastructure Development Corporation of Rajasthan Limited (RIDCOR) and other Governmental Institutions are the executing agencies of this Fund.

Besides, there is Coordination Committee in the Chairmanship of Chief Secretary/Principal Secretary, Transport Department to manage the DRSF. The other members of the coordination council are Transport Commissioner, ADG, Traffic, Rajasthan Police, Finance Department official just below the Deputy Secretary, PWD officials just below the Deputy Secretary, UDH officials just below the Deputy Secretary, LSG Department officials just below the Deputy Secretary, Medical and Health Department officials just below the Deputy Secretary, Education department officials

just below the Deputy Secretary, Home Department officials just below the Deputy Secretary and Additional/Joint/Deputy Transport Commissioner (Road Safety) and Transport Department.

#### *Roles and Responsibilities*

Following are the roles and responsibilities of the Coordination Committee in order to achieve the objectives of DRSF:

- Recommending funds to the projects, programmes, schemes and rest of the activities taken up by all the stakeholder departments or agencies and ensuring effective implementation of the same by the respective stakeholder agencies
- Evaluating the physical and financial progress reports of all the programmes, schemes and projects taken up by the stakeholder departments or agencies on time to time
- Preparing an integrated action plan of road safety of all the stakeholder departments or agencies and ensuring effective implementation of this action plan
- Ensuring effective implementation of all the provisions of the State Road Safety Policy

#### *Utilisation of DRSF*

The funds available in the DRSF can be utilised in more than 30 work areas, which are capacity building for road safety (training programme), Road Safety Audit, Scientific Investigation, Restructuring and Analysis of Road Accidents, Intelligent Transport System, Strengthening the Road Safety Vigilance System, Purchase and Maintenance of Road Safety related equipment and tools, Expenses incurred for convening meetings of District, Sub-Divisional and other meetings of various Committees, Reflective Tapes on non-motorised vehicles, promoting awareness about Good Samaritan Guidelines and Practices.

Different IEC material for promoting awareness and education about Road Safety in all the targeted groups, arrangements for the training and counselling of the traffic rule violators, Road Safety Research and Development, Road Accident Data Management System, Identification of Black Spots, repair and monitoring, Arrangements for trauma and emergency care of road accident victims, traffic surveys, Administrative expenses of the Lead Agency, road safety Awards, Coordination and development of parking facilities, mass media campaigns, developmental activities related to public transport system, structural activities related to road safety, like Automated Driving tracks, I&C Centres, building training centres etc.

All the activities under taken by all the Stakeholder Departments comprise: making the roads or footpaths free from encroachment, removing all the barriers in the full view of the drivers; participating in National or International exposure/trainings/seminars/workshops/meetings for studying road safety innovative practices related to by all the Stakeholder Departments. The salary, remunerations and emoluments of the office staff of the lead agency – the Road Safety Cell can also be taken care after due permission of the Coordination Committee, road safety related Research Studies, Technical Reports or any Consultancies, expenses during the road safety week,

strengthening of the structural framework of road safety, and the road safety functions as per the directions of the Supreme Committee.

### ***DRSF Enforcement Committee***

An enforcement Committee has been constituted in the Chairmanship of the Transport Commissioner at Headquarter of the Transport Department, for effective enforcement of the decisions taken by the Coordination Committee related to the road safety. The other members of the Committee are Financial Advisor, Additional Transport Commissioner (Administration), Additional Transport Commissioner (IT) and Additional Transport Commissioner (Road Safety) as the Member Secretary.

There is well defined procedure laid down for the effective utilisation of the DRSF which talks about timely transfer of the 25 percent of funds collected by *challan* and fees under MVA/Rules., knowing in advance about the budgetary provisions of department for the proposals submitted, taking an undertaking that the assets created with this funds will be maintained with departmental budgets only and making Finance Department's approval mandatory for proposals required funds more than 10 crore etc. There are strict provisions for the mandatory audits of all the DRSF.

### ***Rajasthan Transport Infrastructure Development Fund under PWD***

In order to develop and manage systematic, safe, secure and pollution free rapid transport system in the State, Rajasthan Transport Infrastructure Development Fund was created. After formation of Rajasthan Transport Infrastructure Development Fund (RTIDF), reforms laid down under JNNURM were implemented. Utilisation of fund in the ratio of 75:25 is ensured through LSG and Transport Department respectively. Under RTIDF ₹6 crore were provided to Transport Department and Police Department for the year for road safety activities and other activities during road safety week.

The main objectives of RTIDF are as follows:

- Providing systematic, safe and secured mode of public transport system to the citizens of the State
- Rendering grants to Urban Local Bodies/Government Board and Corporations to develop and strengthen infrastructure and all works related to transport system, provide share capital/loan and assistance for Viability Gape Funding
- Providing grant as share capital, loan and equity to Government Board/Corporations for making available pollution-free public transport means and encourage use of pollution free fuel like Liquefied Petroleum Gas (LPG) and Compressed Natural Gas (CNG)
- Reducing hazardous effects of pollution by different modes of transport, planting of trees on both sides of roads and at dividers and at available government land and public land
- Providing partial cost assistance to works done under Road Safety Funds for making road safety measures effective

## **Road Safety Action 2016-17**

In order to control the increasing rate of road accidents, in line with the UN Decade (2011-2020) of Road Safety and in compliance with the orders of Supreme Court Committee on Road Safety or SCRS, Government of Rajasthan has prepared an action

plan for Road Safety for 2016-17. Though it is not a detailed document but spells out the actions to be taken by the State Government for Road Safety in brief. The action plan has a target of reducing the rate of accidents, accident deaths and accident injuries by 5 percent points. This action plan includes the action to be taken by all the stakeholder departments like Transport Department, PWD, Police, Medical and Health, Education, LSG and UDH Departments. Transport Department is the nodal agency including the Road Safety Cell for implementing the action plan and achieving the desired results and outcome. This action plan encompasses intensive training and capacity building programmes for officials of stakeholder departments and users of road. It also includes allocation of the RTIDF in different Programmes and Departments in brief.

## **Flexibility and Obligation to Implement Laws**

Degree of flexibility of Government of Rajasthan to adhere or to provide exceptions and exemptions in implementation.

- States having the power to frame the Rules by the Rule making process. As per the Motor Vehicle (Amendment) Bill, 2016, states have power under section 66A, 194 B, 136 A, 210 A etc. to make the rules and put the exemptions respectively
- Processes Government of Rajasthan must undertake to adhere or to provide exceptions and exemptions in implementation-The state government, will make the changes as per the rule making power of the states. The rules of the states are framed as per the Parent Act i.e. Motor Vehicle Act. Rules are frames with the consultation of ministry of Law and Justice They are published in Official Gazette for objections and suggestions. If the suggestions/objections received are large, the final rules should be notified within a period of six months from the last date of receiving the comments. If no objections/suggestions are received or the number of objections etc., so received is also small, the rules should be finally notified within a period of 3 months; and finalise the rules in consultation with the Ministry of Law and Justice, where modifications are involved.

## **Conclusion**

The present Government of Rajasthan seems to be quite concerned and functional for ensuring road safety and the overall political will seems to be quite hopeful for establishing a new and essential institutional framework for road safety. Besides, the Government is proactive by reviving the existing institutional setup for accomplishing desired goals and targets can be achieved. The current political will towards road safety is resulting to making the concerned State administration also very active. The overall road safety framework has been guided and monitored by the Supreme Court Committee on Road Safety headed by Justice (Retired) Radha Krishanan.

The overall road safety institutional framework seems to be strong and flows from state level to district and sub district level. The meetings of the Cabinet Sub Committee of Road Safety, Road Safety Council and State Traffic Management Committee are convened on time to time. The meetings of Road Safety Cell and District Traffic Management Committee are organized more frequently and regularly, but the Sub-District level Traffic Management Committees are not yet functional.

Since in Rajasthan the Road Safety Policy is formed, Road Safety Cell is constituted, Dedicated Road Safety Fund is created and the set target of reducing the rate of road accidents, road accident deaths and injuries by five percent was almost achieved during the year 2016 so it seems that the road safety scenario of State of Rajasthan will further improve in the coming years.

In addition, there is an action plan for road safety for State, which includes activities and allocated budgets of all the stakeholder departments, especially which are part of the road safety cell. This action plan is not an action plan in true sense and a list of activities to be done with budgets available. There is a need of more comprehensive and time-bound road safety action in Rajasthan. There is general consensus among the State key stakeholders of road safety that the Motor Vehicle Amendment Bill, 2016 coming into force after being passed, will further enhance the road safety scenario in Rajasthan.



## 4. Institutional Assessment in Tamil Nadu

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### Background

Internationally, road accidents kill as many people as the major pandemics, malaria and TB. Mistakenly perceived as an inevitable consequence of economic development, road incidents are the biggest cause of mortality among men and women between the ages of 10 and 45, except in those countries worst affected by HIV/AIDS, where this disease remains the biggest killer. The Global Status Report on Road Safety, 2015, brought out by the WHO, pegs number of fatalities from traffic accidents globally at 1.25 million people in 2013. Out of this, India's share was 16.6 percent, though the Government of India put it at little under 11 percent. Tamil Nadu has more than 15,000 km of National and State Highways, and typically has extremely high numbers of road incidents annually. In 2016, it accounted for 17,218 fatal accidents, which is 10 percent of the total national figure. In 2015, there were 15,636 fatal road accidents and 15,190 deaths in 2014.

### Institutional Framework

#### ***1. Home, Prohibition and Excise Department***

The Home, Prohibition and Excise Department is responsible for the administration of several departments, including the Transport Department. It formulates policies and implements laws with respect to subjects on the State list in the Constitution, among others: the Motor Vehicles Act; Nationalisation of Transportation under the MV Act; Taxes on motor vehicles; mechanically propelled vehicles, and vehicles other than mechanically propelled vehicles, among other subjects.

The Home Department issues transport-related Government Orders (GO) based on the requests made by the Transport Department. For example, for budget revisions, proposals are received from the Motor Vehicle Maintenance Department to the Home Department. Based on consultation with the Finance Department the Home Department then shares the revised proposal with Transport Department. The Transport Minister signs on the proposal finally permitting the Home Department to issue a GO.

#### ***2. Transport Department***

The Transport Department is administratively under the Home, Prohibition and Excise Department even though it has its own minister and secretary. This Department is responsible for formulation of policies of the Government in respect of Transport Department and also for the execution of various transport schemes. The Transport Department has control over seven Transport Undertakings, Tamil Nadu Transport Development Finance Corporation Limited, Pallavan Transport Consultancy Services Limited, Institute of Road Transport and Motor Vehicles Maintenance Department. The Transport Department is also the Nodal Agency of the State Government in respect to projects implemented by the Southern Railway, Department of Postal and Telecommunications and the Civil Aviation of the Government of India. Within the Secretarial Wing, Section B is responsible for the subject of road safety, and Section E deals with matters pertaining to Transport System Study; Improvement of Traffic;

Transport Development Council; Motor Vehicles Act and Rules; and Traffic issues like routes and permits.

A wing of the Home Department is dedicated to the Transport Department and is divided into seven sections:

1. Transport I: Licence for omni buses, cabs, road tax
2. Transport II: Disciplinary actions related to RTOs (for senior officers MV Inspector 1)
3. Transport III: Auto fare revisions
4. Transport IV: Establishments, compassion appointments, seniority fixation
5. Transport V: Road Safety (like helmet issue)
6. Transport VI: Fancy numbers
7. Transport VII: Budget for Transport Department

The Transport Department is the policymaking body for the formulation of policies and for the execution of relevant transport schemes (Transport Handbook, Clause 3.2). However, in its annual policy notes and on its website, the Transport Department does not list policy making as one of its functions. There is no set tenure for the Department's Secretary or the Transport Commissioner. As per practice the officer's transfer occurs every three years to a department not related to the Transport Department, hence decreasing the possibility to gain expertise in the transport sector.

The Transport Department is responsible for subjects on the State list in the Constitution, among others: Motor Vehicles Maintenance Organisation, Nationalisation of Bus Transport except under the Motor Vehicles Act, Nationalised Passenger Transport and Goods; Transport including Transport Development Finance Corporation, Institute of Road Transport and Transport Engineering Corporation.

It is also responsible for subjects on the Concurrent and Union lists: Rail Transport including land acquisition but excluding matters pertaining to over bridges and subways; and Railways. The Transport Secretary supervises plans, finances and business ventures of the Tamil Nadu State Road Transport Corporations with their respective Managing Directors.

The Transport Department drafted the Road Safety Policy, as is stated in GO 242, dated 13.04.2007. The GO directs all concerned head of departments – Director of General Police, Transport Commissioner, Chief Engineer Highways, Director of Medical Services, and Director of Medical Education – to take necessary actions indicated in the Road Safety Policy.

Through an executive order, the Home (Transport V) Department created the office of the Road Safety Commissioner within the Transport Department (GO 767), a Road Safety Fund to provide resources for road safety measures (GO 768), and detailed guidelines for the operation of the Fund in the Tamil Nadu Road Safety Rules, 2000. The Road Safety Commissioner advises the Government on road safety policies and road safety measures.



### *State Transport Undertakings*

The State Transport Corporations of Tamil Nadu have a fleet of 23,078 buses including 2,239 spare buses as on 31.03.2016. They have performance indicators for the physical infrastructure, such as number of buses, km covered, scheduled services and breakdowns per km. They also have metrics for road safety, including, number of fatal and non-fatal accidents, and number of deaths.

### *Institute of Road Transport*

The Institute of Road Transport is registered under the Societies Registration Act, 1860 in the year 1976, with the main objective of applied research on issues pertaining to traffic, transportation, road safety and bus system management, quality monitoring by conducting tests on random samples of spare parts procured by the State Transport Undertakings in Tamil Nadu and imparting refresher training to the employees of State Transport Undertakings and general public. The Institute conducts skill up-gradation training programme for the officers and employees of Transport Corporations both in Institute of Road Transport and at State Transport Undertakings. The Institute of Road Transport is also acting as a nodal agency for purchase of major items like chassis, tyres, fully built buses, bus body construction, printing and supply of tickets, R.T. material, lubricants and consumables.

### *Road Safety Council, Committees and Inter-departmental Committee*

A high level body called 'State Road Safety Council' has been constituted under has been established under Section 215 of Motor Vehicles Act, 1988. The Minister for Transport is the Chairman of this Committee. The Council advises the Government on all policies and programmes related to road safety at the State level. This Council also reviews the implementation of various programmes of different departments and forwards its findings to Government for appropriate action. The Road Safety Council primarily looked at the number of deaths to formulate the policy. They have access to experts from the Institute of Road Transport and the Pallavan Transport Consultancy Service but the Policy does not show any particular studies or surveys conducted apart from tracking number of accidents. The Transport Commissioner is the Road Safety Commissioner for the State to coordinate the different departments/agencies directly and indirectly involved in the road safety programme.

Under Section 215 of Motor Vehicle Act 1988, State Governments can notify the constitution of District Road Safety Committees under the Chairmanship of District Magistrates and having representation from officers dealing with Road Transport, Police (Traffic), Health, (Trauma care/Rescue), Data Collection and Analysis, NGOs and other road safety experts from the members. District Road Safety Committees have been constituted for each district under the Chairmanship of the Collector. These Councils have been entrusted with the job of considering various measures needed to promote road safety, prepare road safety plans with special attention to the accident prone spots/stretches, maintenance of roads, drivers training, accident analysis, publicity initiatives and efforts, traffic planning, highway patrol, passenger amenities etc. in the districts. These Councils discuss measures to reduce accidents and make their suggestions to the Government. These Councils are required to meet at least once a month.

There is also an Inter-Departmental Committee Chaired by the Home Secretary, and having Transport Secretary, Joint Transport Commissioner, ADGPs, Health Secretary, Chief Engineer of the Highways Department as members. The Inter-Departmental Committee meets once in a quarter to discuss revisions to the Road Safety Policy, actions to be taken to achieve the vision the policy has set out and the allocation of funds to continue road safety efforts. The Road Safety Fund is administered by the Inter-Departmental Committee. In order to analyse every fatal accident an inter-departmental team of officers comprising Police, Transport and Highways Departments has been constituted. This team visits the accident spot, makes a comprehensive study from different angles, prepares a detailed report after critically analysing the data and offers specific information and suggests suitable measures, preventive remedial and punitive that might have to be initiated to avert such incidents in future.

### ***Chennai Unified Metropolitan Authority***

Chennai Unified Metropolitan Authority (CUMTA) monitors the various aspects of integrated Metropolitan Transport for Chennai City. The main aim of CUMTA is to provide better co-ordination among the various mass transport agencies in Chennai, like Mass Rapid Transit System, proposed Monorail Project, Chennai Metro Rail, Metropolitan Transport Corporation and the city agencies like Corporation of Chennai, Chennai Traffic Police and Chennai Metropolitan Development Authority. CUMTA oversees, coordinates, promotes and monitors the implementation of all traffic and transportation measures, promotes integrated public transport by all modes, and regulates their operations, maintenance, and efficiency and equity. The body is also responsible for safety and can take measures for studies, construction, monitoring and evaluation. It is required to manage a road safety cell and undertake road safety audits.

The need for a unified transport authority was first articulated by the National Transportation Policy Committee, by the GoTN in 1994 and by the National Urban Transport Policy in 2006. However, it was only in 2010 that the GoTN finally notified CUMTA. The body is chaired by the Transport Minister and the Chief Secretary is the Vice Chairperson. Secretaries of the Finance, Home, Transport, Housing and Urban Development, Municipal Administration and Water Supply Departments, Commissioners of Police, Transport and Chennai Corporation and Managing Directors of rail, metro and bus agencies are all *ex officio* members.

### ***Urban Local Bodies***

The State Transport Authority has the powers to impose speed limits. The Commissioner of Chennai Corporation and the Superintendent of Police have the power to impose speed limits and designate main roads. They are also authorised to erect road signs, as are the Highways Department engineers. District Collectors are also authorised to regulate the placing of hoardings, etc. to avoid obstructions to safe movement or hinder visibility of road and traffic signs.

### ***Execution of Road Projects***

Road design, construction and maintenance has been undertaken by the Highways Department and local bodies. The Highways Department is an extension of PWD. A separate Highways Department was created in 1946 exclusively to attend to roads and bridges in the State. It was a part of PWD earlier but was made a separate and distinct Department in 1996.

The Highways Department functions under the Tamil Nadu Highways Act, 2001 and the Tamil Nadu Highways Manual lays down the objectives and processes that are applicable for the department staff. The work include categories like road widening, strengthening, formation of bypasses, construction of bridges etc., over National Highways, State Highways, major district roads and other district roads. The Highways Department maintains the roads under the control of the Government of TN, and has an objective to provide all weather road connectivity to rural habitations. There is no process for independent review of the works executed by the Highways Department.

The Highways Department functions under the Director General and there are six Wings to execute the projects, a Wing for Investigation and Design and another one for monitoring the quality of various projects executed throughout the State by the Department. The various Wings are as following:

- Construction and Maintenance Wing
- National Highways Wing
- NABARD and Rural Roads Wing
- Projects Wing
- Metro Wing (executing projects in the Chennai Metropolitan Area)
- Tamil Nadu Road Sector Project
- Planning, Design and Investigation
- Quality Assurance and Research

Furthermore, functions are carried out by four Circles and 12 Divisions. The projects Wing's main area of focus is:

- Road Over and Under Bridges at Railway level crossings under Railway Works Programme
- Major Bridge Functioning with State Funds and National Bank of Agriculture and Rural Development (NABARD) assistance
- Formation of Ring Roads and Radial Roads
- Formation of Sugarcane Roads with Sugar Cess Fund

After completion of the project and the contractor's liability period is assessed, the project is further transferred to the Construction and Maintenance Wing. In addition, two companies execute special projects, such as expressways or toll roads. These include:

1. Tamil Nadu Road Development Company (TNRDC)
2. Tamil Nadu Road Infrastructure Development Corporation. (TRIDC)

#### *Project Specification*

The design specifications for all projects by Highways Department and Urban Local Bodies are drawn from IRC codes and the MoRTH specifications. Provision 6 of IRC, SP 054 states that for all projects there need to be detailed project reports which include the investigation alignment drawing, site visit reports and the feasibility study of the project with the proposed design. The DPRs include detailed investigation, design and cost estimates. They do not comprise an assessment of risks and how to manage them, and cost and time overruns.

The Projects Wing conducts physical audits of all State Highways as part of their regular responsibilities for all its projects. As per Chapter 3, Section 15 of the Highways Department Right to Information (RTI) manual specifies that the responsibilities of the SE include the inspection of work and the procedure for these inspection visits, which are to be conducted on a monthly basis. As a result of the inspection, a financial audit is conducted every month and is reviewed by a technical officer before being passed onto the CE. The audits are conducted by engineers of the Projects Wing and not third party independent agencies. As per Chapter 3, Section 12 of the Highways Department RTI manual – by the 20<sup>th</sup> of every month the CE will review and inspect the notes prepared by the SE and will send it to the Highways Secretary. The Highways Secretary then provides his feedback and sends it to the ministry. The contractor is not required to submit a compliance report.

### ***Department of Health and Family Welfare***

The Health Department has several directorates and corporations functioning under its control in order to deliver effective healthcare services across the State. One of its projects is the Tamil Nadu Health Systems Project (TNHSP) which is responsible for developing effective interventions to address key health challenges and combat diseases and accidents. Within this, it manages the Emergency Medical Response services by providing ambulance and the 108 emergency helpline. The 108 emergency ambulance services is an initiative of the Ministry of Health and Family Welfare, Government of India. It is implemented in states and union territories through the National Health Mission, a centrally sponsored scheme. At the state-level, the services are provided by the Department of Health and Family Welfare. In Tamil Nadu, the Department signed a public private partnership agreement with GVK Emergency Management and Research Institute to operate the ambulance services.

### ***Traffic Police***

The Police Department functions under the Home, Prohibition and Excise Department, with a separate State Traffic Planning Cell. The responsibility of RADMS with respect of data collection, data recording and reporting lies with the Additional Director General of Police, State Traffic Planning Cell (STPC). The Police, Highways and Transport Departments are authorised to enter data relating to their Department about each accident. With this reliable data base, different kinds of analysis by various user departments concerned can be done and interventions can be implemented to improve the road safety scenario in Tamil Nadu. However, it is no longer being used and the reason cited is that other activities require the attention of the police.

At present, there are 260 Highway Patrols operating on the National Highways and State Highways. 122 vehicles have been fitted with Global Positioning System (GPS) and their locations can be monitored at the Highway Patrol Control Room in the State Traffic Planning Cell office in the Police Headquarters. The State Traffic Planning Cell coordinates with the key stakeholders in organising road safety seminars and workshops and made effective use of mass media, cable TV and the services of dedicated NGOs for educating road users.

### ***Motor Vehicles Accidents Tribunals***

State can constitute a Motor Accidents Claims Tribunal (MACT) under section 165 of the Motor Vehicles Act, 1988 for the purpose of adjudicating upon claims for compensation

in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of motor vehicles, or damages to any property of a third party so arising, or both. The state government formulated rules vide the Tamil Nadu Motor Accidents Claims Tribunal Rules (1989) (G.O. Ms. No. 1248, Home Prohibition and Excise (Tr.IV), September 29, 2008)

In every accident, investigation officers (IO) are required to file a detailed accident report (DAR) before the District MACT. The jurisdictional magistrate will read the DAR, to decide compensation under Section 357(A) of CrPC, read with Tamil Nadu Victims Compensation Scheme. Claims are to be disposed within four weeks from the date of filing the application. The Claims Tribunal shall announce the details of the award in the open Court and shall furnish copies of the judgment as required to be recorded under sub-rule (1) to the Regional Transport Authority, the Secretary, Regional Transport Authority, the Registering Authority and the Licensing Authority concerned for taking such action as the authorities consider necessary against the drivers, conductors or owners of the vehicles involved in the accident. It should also send a copy of the judgment to the State Transport Authority, Chennai.

### ***Regional Transport (RTO)***

Section 68 of the Central Motor Vehicles Act, 1988 empowers the State Government to create a State Transport Authority (STA) to issue directions and orders in respect to any matter related to road transport and also constitute Regional Transport Authority (RTA) to exercise the same in specified regions. The STA is part of the Transport Department and is chaired by the Transport Commissioner.

The STA, headed by the Transport Commissioner, oversees the RTAs. The RTA is chaired by the District Collectors in all districts except Chennai where the Deputy Transport Commissioner chairs the authority. The RTOs are part of the RTA and act on behalf of the chair person. The RTA is vested with powers of the CMV Act, 1988, CMV Rules, 1989 and the TNMV Act, 1948 and TNMV Rules, 1989. The Regional Transport Officer (RTO) acts under the direction of the RTA. The RTO deals with registration of vehicles, issuance of licenses and permits, control over transport and traffic and administering penalties, and taxation of motor vehicles. The Transport Commissioner is the State Transport Authority and is the supervising officer of all Regional Transport Officers.

## **Regulatory Framework**

### ***Mandate of the Regulatory Authority***

Governed by the Acts and Rules of the CMV and TNMV, the regulatory authority – STA has very limited scope in making a decision and if a time as such arises, the decisions are made only by the State Government which in turn means the Home Secretary and the Transport Minister. The various chapters of the CMV Act, 1988 and the TNMV Rules, 1989 establish the role the STA and the RTA will play in regards to the transport sector. District Collectors chair the RTA while the RTO is the Under-Secretary and is the implementing body for all the powers vested by the Acts and Rules of the CMV and TNMV to the RTA.

TNMV Rules, 1989 explains the powers of the Regional Transport Authority (RTA). These include:

- Issue or reject application for driving licenses, conduct tests
- Control of transport vehicles, including power to grant or refuse permits, renewals, transfers, suspend, replace and set conditions for stage carriages, private vehicles; fix or approve schedules, fares, timings of operation of service, and routes
- Provide exemptions based on the criteria specified in the Rules

The CMV Rules, 1989 sets timelines for granting license, permits and certificates as seen in Section 24 (4), 35 (1) and 48. The CMV and TNMV Rules, 1989 govern all decisions made by the RTA and are quoted constantly as the rationale. Section 147-A of the TNMV Rules, 1989 mandates the STA to publish all decision on the notice board of the STA office.

### ***Capacity of the Regulatory Authority***

The tenure at the STA or RTA is not specified. The positions are filled depending on the need and vacancy available. Officers of the RTA need to have a minimum qualification in B.E Mechanical Engineering while the ministerial staff's minimum requirement is a diploma. A new RTO trains in the headquarters for a year while the other staffs undergo training for two years in the headquarters before being appointed to a post. The Anna Institute of Management also provides training programs for government officers from time to time and extends their invitation to the STA. Apart from this the STA does not take initiatives to conduct trainings. The RTOs have access to documents and best practices but accessing and using the various studies depends on the personal interest of the RTO of the particular zone.

### ***Performance of the Regulator***

There is no requirement for performance reporting. Nor are there any requirements by the statutes for the STA or RTA to create annual plans. In practice, the department creates broad areas of work with their undertakings, which they will concentrate on for the next one year but they are not necessarily converted into actionable points with timelines. Since the STA and RTA are part of the Transport Department it can be noted they are not independent regulators. The Transport Department's progress reports are combined with the reports of the various other undertakings and released as a whole by the Transport Department. The road safety initiative is the only safety aspect mentioned in the department's policy note. TN Highways Department's Performance indicators processes for Project Contracting, Specification, Execution, Audit and Post-Implementation are poor or do not exist. Thus, the capacity for these processes is questionable. The RTA can conduct public hearing to expedite the process on specific matters. However, the RTA is authorised to invite or permit participation of those who can be allowed to make representations, or take decisions without conducting public hearings.

## **Recommendations and Conclusion**

Despite the strong Institutional Frameworks, it is evident from the road fatalities in the State that the Regulatory Framework necessary for enforcement is weak. Based on our findings, it is recommended that it could be improved in the following ways:



- Inadequate accountability for road construction and maintenance in urban areas. In Chennai, for instance, one senior official was transferred when he published the names of contractors with poor performance
- Lack of fixed tenure for the senior bureaucrats, who are transferred frequently. This limits the ability of the institutions to take a long term and systematic approach to projects. More stability could provide crucial stability in leadership in the departments and may be significant to achieving necessary road safety coordination and outcomes
- RADMS despite being developed for an exorbitant amount, but after its initial phase of development and testing the officials do not utilise the same. The reason given was that there are other activities that demand the attention of the officials. Unfortunately, this is also the reason that the Line Departments do not have data for decision making
- There is no transparency in road safety data, outcomes and milestones. There is also a paucity of information that is accessible to citizens and civil society
- There are several departments and agencies that have responsibilities of policymaking, planning, execution, standards setting, budgeting and regulation of road transport and coordination needs to be strong to ensure road safety outcomes

The Global Status Report on Road Safety, 2015, brought out by the World Health Organisation (WHO), pegs the number of fatalities from traffic accidents globally at 1.25 million people in 2013. Of this, India's share was 16.6 percent, though the Government of India put it at little under 11 percent. Internationally, road accidents kill as many people as pandemics, malaria and TB. Wrongly perceived as an inevitable consequence of economic development, road incidents are the biggest cause of mortality among men and women between the ages of 10 and 45, except in those countries worst affected by HIV/AIDS, where this disease remains the biggest killer.

Analysing road incident data across nations and over time, a pattern emerges of a rise in road accidents with increasing income. This can be attributed to a rapid rise in the number of motor vehicles. With time and even higher levels of income, come better road systems and enforcement of safer practices and lower mortality rates. India, touted to be an emerging superpower and expanding at a significant pace, has become victim to this unfortunate trend. India loses a life every four minutes to a road accident, and 10 percent of all road accident deaths take place on Indian roads.

Several countries have demonstrated how road safety standards can be improved through a well-articulated road safety vision, sustained effort and investment. The Motor Vehicles (Amendment) Bill 2017 is an acknowledgement of the gravity of road safety issues and the lives being lost to it.

Considering that road accidents have reached alarming levels in India, it is important that action is taken as a matter of urgency to improve road safety. Road safety outcomes require commitment and cooperation among multiple agencies via strong institutional and legislative frameworks. Such a framework would include aspects of policies, planning, standards, budgets, execution and regulation to ensure good built road environments, law enforcement, education and emergency response.

Therefore, the main objective of this report is to present a concise review of the institutional and regulatory frameworks in States (Tamil Nadu and Puducherry), including feasible recommendations to strengthen future efforts to improve road safety. The assessment has six categories and multiple indicators in order to acquire specific insights into the current road safety issues.

The assessment further reveals that Tamil Nadu has strong Institutional Framework. The main challenge that the various Departments are facing is in the implementation of the laws and policies. In Tamil Nadu, this can be attributed to two main reasons. First, officials are transferred frequently, not leaving sufficient time to develop a strong understanding of the issue. Second, there is inadequate data collection and unsatisfactory analysis. Moreover, utilising the same for assessing the performance of the Departments or impact of interventions is quite limited.

Despite having strong Institutional Frameworks, it is evident from the road fatalities in the State that the regulatory framework necessary for enforcement is insubstantial. Based on the findings, the existing flaws and possible remedies are given as below:

- Low accountability for road construction and maintenance in urban areas. In Chennai, for instance, a senior official was transferred when he published the names of contractors with poor performance
- Lack of fixed tenure for the senior bureaucrats, who are transferred frequently. This limits the ability of the institutions to follow a long-term and systematic approach to the various projects. More leadership stability the Departments can be helpful in achieving necessary road safety coordination and outcomes
- The RADMS was developed for an exorbitant amount but after its initial phase of development and testing the officials do not use it. This is on account of other activities that demand the attention of the officials. Unfortunately, this is also the reason why the Line Departments do not have required data for decision making
- Lack of transparency in road safety data, outcomes and milestones. There is also a paucity of information accessible to citizens and civil society
- Despite having several Departments and Agencies accountable for policymaking, planning, execution, standards setting, budgeting and regulation of road transport, coordination needs to be strong to ensure road safety outcomes
- Furthermore, it was observed that the Institutional Frameworks for enhancing road safety are there in Puducherry. The mandate of each Department is laid out and mechanisms for sharing of information and strategic planning are in place. Recently, Policies supporting greater coordination and integration of work across the Departments have also been developed. However, no strategy and planning cells exist in the various Departments (Transport, PWD, Health etc.)
- The Policies (Transport, CMP, Road Safety) are awaiting clearance or have just been cleared and these being the first of their kind for Puducherry, planning mechanisms have not yet been set in place. In Tamil Nadu, it was explored that the regulatory framework for road safety is weak. Besides, road safety can be enhanced in the following ways:
  - Generating a system for capturing data regarding licences and vehicle registration. However, the sustained data collection and analysis regarding road safety outcomes needs to be strengthened



- Ensuring accountability in designing, construction and maintenance of roads. The Departments also lack a robust monitoring system to track project execution and post-execution outcomes
- Enhancing public participation in drafting of Road Safety Policy. The Transport Department regularly conducts road safety awareness programmes in local schools. This endeavour could be strengthened by hosting Open House Sessions and defining mechanisms for citizen participation in ensuring road safety
- Creating adequate information in the public domain, and keeping a policy in place for recognising and managing conflicts of interest between different road users, public and private service providers

## 5. Institutional Assessment of Road Safety in Telangana

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### Background

Road safety pertains to reduction in the risk of death, injury or any harmful effect on the road users due to accidents on roads i.e. avoidance of danger on the road. Safety of road users is the major concern now as the fatalities on the road is constantly increasing over the years. According to the WHO, there more than a million roads fatalities every year globally. Highest number of road accidents in the world is recorded in India. Road crashes in India result in high number of fatalities and serious injuries. According to Road Accidents in India 2015 by MoRTH, total number of road accidents increased by 2.5 percent from 4,89,400 in 2014 to 5,01,423 in 2015. The total number of persons killed in road accidents increased by 4.6 percent from 1, 39,671 in 2014 to 1,46,133 in 2015. Road accident injuries have also increased by 1.4 percent from 4,93,474 in 2014 to 5,00,279 in 2015. 1,374 accidents and 400 deaths take place every day on Indian roads that means 57 accidents and loss of 17 lives on an average every hour in our country (Road accidents in India 2015, 2016).

Even though the citizens as well as the Govt. officials are aware of the importance of Road Safety, implementation of road safety strategies is not efficient. Many factors like attitude of citizens, road conditions, vehicle design, action by the Government in terms of making laws and implementing them, implementation of safety standards by various stakeholders influence the successful implementation of road safety.

Road Safety is a multi-sectoral and multidimensional issue. It incorporates the development and management of road infrastructure, provision of safer vehicles, legislation and law enforcement, mobility planning, provision of health and hospital services, child safety, urban land use planning etc. Road safety is a shared, multi-sectoral, responsibility of the Government and a range of civil society stakeholders (Infrastructure, 2007).

### Vision, Strategy and Policy

Telangana Government's aim was to achieve an accident-free Telangana State. A Road safety programme in the name of Safety Always For All Roads (SAFAR) was launched by the Transportation Department on 2nd October 2005 and the programme is being continued with its name changed to 'RASTA', Roads Are Safe to All. New log and poster for RASTA has been unveiled by Transport Minister on January 13, 2017.

#### **SAFAR**

Under SAFAR (presently RASTA), the Transport Department took up the task of preparing an Approach Paper to enhance road safety listing out the functions to be done by various departments involved. In this Approach Paper, main focus is given to the preventive measures that can be taken up with low costs.

A comprehensive policy was proposed to be made listing down the medium and long term measures for road safety and the financial support required for their implementation. The following goals are defined in the Approach Paper:

- To bring down the number of accidents
- To allocate separate funds for programmes of road safety
- To bring up specific programmes to develop major roads for safe travel, to protect road users and to improve driver licensing, training and monitoring process
- To achieve better co-ordination between various stake holding departments and NGOs
- To introduce information system on accidents and to guide post-accident relief and other remedial measures. (SAFAR , 2005)

The following measures towards road safety are outlined in SAFAR Approach Paper. These measures are listed under five sub sections:

#### *Driver related measures*

- Measures included effective training of beginners, trainers as well as the in-service (refresher) and other drivers in unorganised sector like auto-rickshaw drivers, taxi drivers and tractor & trailer drivers in rural areas. This can be achieved through monitoring and encouraging driving schools, tightening the inspection regime for those authorized to issue certificates and providing compulsory training for all the trainers in premier organisations. Infrastructure improvement for facilitating such training and testing is proposed and funding for the same is proposed to be acquired from MoRTH.
- Launching prosecution in case of serious offences is proposed to be made compulsory, which might require creation of Mobile/ Fast Track to help in fast disposal of cases.
- A graded system of noting down the serious offences committed by the DL holders in the office record and the DL document and networking of the entire DL database in the State is proposed to be taken up.

#### *Vehicle related measures*

- Fitness testing of the school buses and avoiding overloading of autos carrying school children are given priority.
- Thorough physical testing by the executive staff shall be undertaken till Brake Testing tracks and Testing pits at every office are established and MVI start testing some of the aspects.
- Phasing out old vehicles and updating the skills of the MVIs in view of road safety and pollution control is proposed.
- Phase wise sensitization campaigns about the new technologies and also about maintenance of the condition of the vehicles for the owners, drivers and mechanics are proposed to be conducted.
- The letting off of offenders in road-safety related offences after paying small amounts of fee allowed under The Motor Vehicle Act is opposed and proposed that these vehicles should not be allowed to proceed further.
- Efforts to discourage over-speeding by introducing speed breakers, cautionary boards and making it statutory for the manufacturers of autos to fix speed governors on the vehicles are proposed to be made.

### *Road related measures*

- Long term, efforts to increase road space and short term measures like lane markings, hazardous location indicators, reflective traffic signs, road dividers and medians etc., are proposed to be taken up
- Special attention towards identification of accident-prone spots and erection of cautionary signs at a sufficiently early distance especially culverts and blind curves which will result in reduction of accidents is proposed
- Restricting or controlling the free and easy entry of vehicles from approach roads to highways by developing of Service roads/Access roads and by arranging Speed breakers or entry barriers on the approach roads is highlighted
- In order to utilise the funding offer of the Government of India, proposals from reputed NGOs with experience in the area and from Police department, Transport Department and the R&B Department are sought

### *Traffic related measures*

- It is proposed to give emphasis to smooth flow of traffic in high density areas like cities and towns. Traffic Advisory Committees are proposed to be formed in every town and city to adopt policies of one-ways or staggered timings

### *Road Traffic injury prevention*

- Usage of Helmets, seat belts is proposed to be made mandatory as their use reduces the risk of all injuries by 40-50 percent.
- The advantage of presence of speed cameras or radars in increasing the compliance with speed laws and to reduce the incidence of crash and injury is recognized.
- The need for Ambulances with suitable personal on a 24 hour basis to be placed on all important highways and roads by involving even corporate hospitals and NGOs for immediate rescue of persons involved in road accidents is highlighted.

An immediate action plan stating the responsibilities to be fulfilled by various stakeholding departments in road safety are given (SAFAR , 2005).

### ***Road Safety Strategy***

Transportation Department of the State has come up with various strategies to mitigate the number of road accidents and improve road safety in the State. Segregating those under four **Es** of road safety, the following are the strategies (Road Safety Strategies in the State).

### *Education*

- Transportation department mandated awareness about road safety for persons acquiring learner's license.
- Awareness about Road safety is imparted among children through various special camps awareness campaigns by the district administrations.
- Computer based learner license test, slot booking system and test scheduling through Rajasthan Transport Office (RTO) office, *e-seva* and internet was introduced by the department in order to streamline the licensing system of drivers.
- Providing driving test tracks in all districts, testing on these tracks was made rigorous.

- For taking a test for obtaining a heavy motor vehicle license, the candidates undergoing training has to get registered first

#### *Engineering of Roads*

- Black Spots which are accident prone on the roads of NHs, Roads and Buildings (R&B) etc., are identified by R&B Department, and constantly categorising them as A, B and C
- Various Departments are involved in improving these identified spots on priority basis for positive results
- Contract carriages are being constantly monitored and checked for carrying commercial goods at the cost of the safety of the passengers

#### *Emergency care*

- The health department is identifying a large number of hospitals to serve as traumatic care centres in addition to providing immediate emergency assistance through 108.
- Linkages with these hospitals to serve as traumatic care centres are made under National Highway programme
- The cases which require scanning are referred to private hospitals, community health centres, area hospitals or corporate hospitals depending on the facilities available for a particular emergency and 108 serves these cases

#### *Enforcement*

- Responsibility of active enforcement by police and transport departments has been made more intensive under the MV Act.
- Sub-inspectors of police have been authorized to check all visible offences
- Interceptor vehicles fitted with laser guns, breath analysers, cranes, surveillance cameras and pollution testing equipment have been provided to police and transportation departments of districts to check violations and increase the enforcement work
- Police Department is supplied with Heavy duty cranes to remove stranded and accident vehicles on the national highways
- The various steps taken are:
  - Driving licenses of drivers involved in fatal and grievous accidents are being suspended.
  - Auto rickshaws are prohibited on the national highways.
  - *E-challans* are generated by police department based on the images captured by surveillance Cameras. This facility is working effectively in Twin cities of Hyderabad and Secunderabad
- The following institutions have been developed to improve efficiency
  - District road safety committees with District Collector as Chairman
  - An Empowered Committee with Principal Secretary to Government (Transport) as chairman (to implement the Road Safety Action Plan involving all the line Departments)
  - Road Safety Council at State level with Chief Minister of the State as Chairman

### ***Road Safety Policy***

Telangana State formulated a new road safety policy for the new state by name Telangana Road safety Policy. This Policy is approved by the Supreme Court and is under circulation for approval. Previously the combined State of Telangana followed 'Andhra Pradesh Road Safety Policy'.

According to the Policy, the Government of Andhra Pradesh (AP) has recognised that road safety has become a public health issue which needs to be addressed with a holistic approach involving concerted efforts from all the stake holding departments/ organisations in the State. With a view to bring about significant reduction in mortality and morbidity on roads, the Government of AP desires to reduce by 2020 the road accident fatalities in the state by 15 percent of the baseline Figure of 2013. The Government of AP is committed to undertake the following measures to achieve the mentioned objectives:

- Raising awareness about road safety issues
- Strengthening institutional environment
- Establishing a road safety information database
- Ensuring safer road infrastructure
- Making vehicles much safer
- Turning vulnerable road users safer
- Educating and training on road and traffic safety
- Enforcing Safety Laws
- Providing emergency medical services for road accident victims
- Conducting research for road safety
- Creating financial infrastructure
- Implementing road safety strategy

### **Institutional Framework**

Road safety in the country is managed by the Government at the Central and State levels supported by efforts of academia and the private sector including industry and NGOs. Ministry of Shipping, Road Transport and Highways in the Government of India is the administrative Ministry responsible for road safety efforts in the country. NRSC headed by the Union Minister for Road Transport and Highways is the Apex Advisory Body on road safety. It includes the Ministers in-charge of Transport in the State Governments and various official and non-official members (Infrastructure, 2007).

### ***Road Safety Council***

Telangana Road Safety Council on the lines of National Road safety Council with the Chief Minister of Telangana as Chairperson and Transportation Commissioner of Government of Telangana as convener was constituted at State level as per the Motor Vehicles Act of 1988. Few members of the Council are as following:

- Principal Secretary to Government Home Department
- Principal Secretary to Government School Education department
- Principal Secretary to Government Health Medical and FW Department
- Principal Secretary to Government Finance Department
- Principal Secretary to Government *Panchayati Raj* Department

- Secretary of Government legal affairs, Legislative affairs and Justice, Law Department
- Principal Secretary to Government MA and UD Department
- Director General and IG Police
- Commissioner and Director Municipal Administration Department
- Commissioner, Excise Department
- Director, Medical Education Department
- Commissioner, Telangana Vidya Vidhana Parishad Department
- Director, Public Health Department
- Chief Engineer, National Highway Department
- Chief General Manager, NHAI Department
- Chief Engineer, Core Road Network and Managing Director, Telangana Road Development Corporation
- Engineer in Chief Public Health Department
- Director General of Police, Road Safety Authority
- Commissioner, GHMC (Hyderabad)

The Supreme Court Committee on road safety will review the Council every quarter of the year i.e. three months regarding the status of road safety in the State. (Transportation Department, 2017)

Telangana Road Sector Project (TRSP) has been designed to provide substantial assistance for safer road corridors by initiating measures to reduce road accidents on major corridors, undertaking black spot improvements on the Core Road Network and developing institutional and policy action plans for improving road safety. Under GO.MS.7, it is stated that the Transport Department will be the Nodal/Lead Department for the implementation of the Road Safety Action Plan as suggested by the World Bank.

An Empowered Committee (EC) headed by the Secretary (Transport) and consisting of the Secretaries and the Heads of the Departments of the Departments concerned with the Transport Commissioner as the Member Convener will be responsible for implementation, monitoring and review of the Road Safety Action Plan. A Road Safety Cell (RSC) is envisaged to be formed in the office of the Transport Commissioner with support staff on deputation/contract/outourcing to provide technical support and assistance in the implementation of Road Safety Action Plan. The Cell will be guided and monitored by the Empowered Committee and an Officer of the rank of Joint Transport Commissioner will be appointed to chair the Road Safety Cell. This is all under process and expected to be formed in near future (GO. MS. 7, 2015).

### ***District Road Safety Committee***

Road safety councils for every district are constituted with District collector as the chairperson and superintendent of police as vice chairman. Other members of the committee include commissioner of Municipalities of the district headquarters, executive engineer of R&B, Town planning officer, District medical and health officer, superintendent of the district headquarters hospital, Regional Manager of State road Transport Corporation, EE of *Panchayati Raj*, RTA of concerned district.



### ***Road Safety Department***

A separate Road Safety Department and lead agency needs to be constituted as per Supreme Court Committee. The Chief Minister of the State has signed the file on Road safety authority and the budgetary grant for it is being worked out. The separate department will be in action after the approval. (AO, Telangana Transportation department, 2017) Road Safety Department will act as a nodal agency coordinating with other departments. Constituting senior officers on deputation from the law and order police, excise, Road Transport Authority (RTA) and other wings, it would look after the working, monitoring and enforcement of road safety.

Various institutions in Telangana are working for road safety. These institutions work for improving different factors governing road safety. R&B, GHMC, and NHAI work towards improving the road conditions in terms of safety standards while designing, construction and maintenance of the roads while Telangana Transport Department is responsible for issue of driving licences, registration of vehicles and fitness of vehicles. Telangana Police Department is responsible for regulating traffic, enforcing laws and educating the public on road safety issues. Institutions like Road Safety Club, GHMC, and NGOs (Indian Federation of Road Safety) work on the lines of improving public awareness, providing training for the users. Department of Health, Medical and Family Welfare of Telangana is responsible for medical care of accident victims.

### ***Institute of Driving, Training and Research***

The Institute of Driving Training and Research (IDTR) constructed at Mandepalli on the outskirts of Sircilla textile town, is being developed on PPP mode involving the Government of India and Ashok Leyland. Training sessions for driving instructors, refresher and orientation training course for 20,000 drivers in service, induction training courses in driving of heavy and light motor vehicles, periodic training and evaluation of drivers of the State Transport Department, government and Non-government Organisations will be held in the institution. State Transport Department, Police, government and private agencies will be testing drivers' ability through this facility.

To oversee the functioning of IDTR, a society named Telangana Institute of Driving Education and Skills (TIDES) under the Chairmanship of District Collector would be constituted. The society will also have representatives from the Union Ministry of Road Transport, State Transport Department and Ashok Leyland. IDTR at nine other districts also have been proposed. Presently only the one for Karimnagar district has been approved (Transportation Department, 2017).

### ***Inspection and Certification Centre***

Inspection and Certification (I&C) Centre was proposed to be established in the State to perform vehicle inspection and certification functions at State level. This proposal is under process waiting for necessary approvals (Transportation Department, 2017).

### ***Transport Department***

Transport Department is the nodal agency or Department for road safety in the State. It is one of the implementing bodies of road safety.

### *Administrative structure*

Transport Commissioner of the State is the convener of the Road Safety Council and empowered Committee for guiding Telangana Road Sector Project (TRSP). Transportation Minister of Telangana is the Vice Chairman of the State Road Safety Council and one of the Cabinet Ministers. Chief Secretary of Transportation of the State is the Chairman of the Empowered committee. The officials who are part of the Road Safety Cell are Additional Transport Commissioner, Deputy Transport Commissioner and Divisional Transport Officer.

### *Roles and Responsibilities*

- Formulation of Rules, regulations or Policy related to road safety in the line of National road safety policy.
- Implementing and monitoring road safety initiatives in the state.
- Planning awareness camps drawing resource persons from doctors, consumer activities and traffic experts
- Preparing campaign material
- Conduct Road Safety Weeks every year. Coordinating with other Institutions and involve them in road safety activities
- Identification of accident-prone spots and list of immediate temporary remedial measures to be completed
- Registration of the all the motor vehicles in the State
- Issuance of driving licenses by conducting driving tests
- Regular inspection and revamping of Driving Schools
- Identification and use of existing training facilities in ITIs, Polytechnics, TSRTC and local NGOs for effective in service training for drivers of goods' vehicles, School Buses and Contract carriages including Auto Rickshaws
- Issuing permits, fitness certificates, safety of in-use vehicles – I&C and facilitating maintenance needed for vehicles diagnosed with faults during inspections
- Running and Auditing Vehicle Inspection and Certification Centres
- Coordinating with the State and Central political and administrative road safety bodies

The Transportation Minister of Telangana has the authority to approve and forward any proposals to the Chief Minister and the centre. All the decisions related to road safety are taken in the State Road Safety Council guided by Road Safety Cell at State level and forwarded for approval from Minister of Transportation. Transport Department being the nodal department convenes meetings and does follow up of the progress regarding the decisions taken in these bodies and the district Committees. Transport Department related decisions are taken up by Transport Commissioner, who is responsible for implementing all the decisions related to road safety for Transport Department.

### ***Roads and Building Department***

After the formation of Telangana State, on June 02, 2014, separate Roads and Buildings (R&B) Department for the State has been established. Governor of the State exercises authority on the operations of the Department. The Minister for Roads and Buildings in the State Cabinet is responsible to the State Legislature relating to the functioning of the Department.

Transportation infrastructure connecting rural, urban, commercial and tourism centres of the State are provided by the Department. The main area of work of the Department is to construct and maintain roads and bridges of the area under its control (Buildings, 2014). Other than the construction activities, R&B Department takes care of road safety with the vision of reconstructing and widening of weak and narrow bridges and eliminating Black Spots by enhancing condition of roads.

Moreover, R&B Department is working to eliminate conflict points and further reduce the risks of road accidents. It is fixing proper signages for limiting speed, with 'No Parking' boards and other traffic indications wherever required. The Department is widening narrow culverts and bridges to improve ease of transport. In addition, it is implementing traffic reduction and speed controlling measures like raised pedestrian crossings, speed humps etc., at road junctions and maintaining the road surface uniformly. Lastly, the Department is unblocking extra vegetation for better vision of the road and turns.

Funding for all the work taken up by the Department will be borne by the Department itself. Funding for the development and maintenance of National Highways under the control of the Department will be done by Ministry of Road Transport, Highways and Shipping, Government of India. (EE, R&B Department, 2017).

### ***National Highways Authority of India***

NHAI is accountable for the development, maintenance and management of National Highways. The Authority started operating in February, 1995. It was operate through state-wide regional offices. Incidence of road accidents at higher rate on National Highways is making them deathtraps. NHAI is required to expedite work, focusing on road safety to avert accidents on National Highways by MoRTH. It is required to send proposals on road safety and Black Spots causing accidents and other accident-prone areas on various National Highways in the State.

The various steps taken for ensuring road safety are as following:

- Roads were constructed according to IRC Standards
- Previously safety audit was done after construction of roads and before running of traffic. At present, the safety consideration is taken up at design stage as well as construction stage
- Review of over speeds is done at regular intervals
- Enforcement of regulations will be considered
- Educational programmes regarding road safety are introduced
- During the designing stage, service roads will be provided, where there is habitation, and operational speed, National Highway speed, vehicular speed limits will be noted
- Road crossing jackets/stop boards near road crossings are the new interventions pertaining to road safety are introduced. (Commissioner, NHAI, 2017)

### ***Health, Medical and Family Welfare Department***

The role of Medical and Health institutions in Road safety starts after occurrence of an accident. Saving the life of the victim and imparting treatment to the person is their responsibility. Providing trauma care service and facilities to the road accident victims is vested with the Medical department. The Ministry of Health and Family Welfare as the first step towards building an inclusive Trauma Care System across the country

launched the scheme – “Capacity Building for Developing Trauma Care Facilities in Govt. Hospitals on National Highways”. This scheme was started in the 11<sup>th</sup> Plan to cover the Golden Quadrilateral Corridor & N-S, E-W Corridor. It is extended under the 12<sup>th</sup> FYP. The main objective is to achieve Pan-India trauma care network to save the golden hour of the patient. As a part of this, six trauma care facility were sanctioned in 11<sup>th</sup> FYP for Telangana. The functioning of these facilities is at deferent levels and various stages. Currently, four Trauma care centres are being developed in the State. They are AH, Kamareddy (Level III), DH, Mahabubnagar (level III), DH, RIMS, Adilabad (Level II), DH, Nizamabad (Level II).

Additionally, steps taken for ensuring road safety are as following:

- Doctors are mandated not to refuse treatment to an accident victim and that police are not to harass Good Samaritan.
- Every Government Hospital has *Aarogya sri* scheme under which economically weaker sections are 100 percent financially supported by the Government which applies for Road accidents as well. This is a unique scheme introduced by the Government of Telangana
- Few private hospitals are also implementing has *Aarogya sri* scheme
- 104 & 108 ambulance services are in place in the State in partnership with Emergency Management and Research Institute – GVK EMRI

#### *Administrative Structure*

Medical and Health Sector consists of three institutions: 1) Directorate of Medical Education; 2) Telangana Vaidhya Vidhan Parishad, Department of Health; and 3) Medical and Family Welfare.

Health and Medical Minister of Telangana being the Head of the Ministry of Health and Family Welfare and one of the Cabinet Ministers of the State, reviews the issues related to the Department. Director of Medical Education, Nodal officer for Trauma care attends the meetings held by Telangana Road Safety Council. There will be a Superintendent in every trauma care centre who is responsible for the functions of Trauma care centers and is answerable to the Nodal Officer.

#### *Roles and Responsibilities*

- Treating road accident victims on the spot before reaching the hospital
- Coordinating with other Departments regarding road accidents and trauma care
- Helping the Central Government to fulfill the trauma care targets

The Guidelines for Trauma care centers have to be followed while developing trauma care centers across the state. Black Spots on the roads suggested by R&B Department, are considered while selecting the location of trauma care centres and other facilities.

The schemes or programmes regarding the trauma care are first approved by the nodal officer for trauma care and further by the Director of Health and Family Welfare through whom it will be forwarded to the Health and Medical Minister and ultimately to the Central Government. The proposals are discussed in the Road Safety Council meetings but the Council does not have the authority to approve them. The Department is responsible for answering to the Supreme Court Committee on road safety regarding the Emergency care for road safety.

### *Funding*

Funding is done in partnership between Central and State government. For development of Trauma care centers, 100 percent Central Government funding is given under 11<sup>th</sup> Five Year Plan. Presently, 70 percent by the Central Government and 30 percent by the State Government is provided under 12<sup>th</sup> Five Year Plan. Funding by Central Government is done phase- wise (Sathya, 2017).

### *Police Department*

Police Department in the State of Telangana is the Enforcing body for Road safety. It ensures Successful implementation of the policies, rules and regulations framed by the Transportation Department, State and Central Governments.

### *Administrative structure*

Secretary / Principal Secretary Spl. Chief Secretary to Government, Home Department is one of the members of the Telangana Road Safety Council and Empowered Committee of TRSP. Additional Director General of Police/IG of Telangana is one of the members of Road Safety Council. Additional Director General of Police/IG of Police Telangana is the Head of Road Safety Authority of the State. Excise Commissioner is also a member of Telangana Road Safety Council.

### *Roles and Responsibilities*

- Monitors and regulates traffic in the area
- Maintains law and order on roads and related issues
- Participates in the meetings relate Road safety with State and central governments, committees etc.
- Identifies black spots on Roads and coordinates with R&B to declare the same
- Investigates the accidents on road, helps them reach emergency care and conduct further procedures while following the Good Samaritan guidelines
- Levies penalties for not following traffic rules and regulations like not wearing helmet, using phone while driving, drunk and drive triple ride, signal crossings etc.
- Regulates the parking facilities and ensuring proper parking on roads
- Maintains all the database of all accidents, fatalities and Traffic Violations cases
- Maintains the online portal for *e-challan* payments, redressal system and other technological interventions
- Convening of Traffic Advisory Councils in all cities and towns on a monthly basis involving public representatives and local NGOs and citizens

Implement laws relating to helmets, seat belts and enforcement of alcohol limits. Consolidation of requirement traffic regulatory devices and submission of budget proposals. DGP of the State being the Road Safety Authority, orders the various sub-departments under his preview in the Police Department including Traffic Police of the State regarding the road safety measures. These orders will be passed on to the next level of the ladder to reach the traffic constable level to implement the measures successfully.

### **Road Safety Club**

Road safety club works toward improving awareness among the citizens about road safety. This is a group for learning road safety tips and propagating them to all the road users. Road Safety Club is for learning road safety tips and propagating them to all the road users to make our roads safe

The objective of this club is to create 'Road Safety Circles' among the road users and improve their knowledge and skills to reduce the accidents and develop young ambassadors as trainers to take up this to each individual to bring the change in the attitude of the road user and see that no one should die on the roads. (Road Safety Club, 2016)

*The Vision Statement is: "Let us go to them 'educate, enlighten and empower to live long"*

### **Non-government Organisations**

#### *Hyderabad Goods Transport Association*

Hyderabad Goods Transport Association (HGTA) is a major national level Association in the goods transport sector established in 1971. The main idea of the association is to provide refreshment courses to Heavy Duty Truck drivers. Most of the accidents on Highways involve Heavy duty trucks. By imparting proper training to the truck drivers, the organisation is improving road safety by reducing the risk of accidents due to trucks. It aims to empower the employees of the Transport sector in increasing their efficiency in their all-round development of their skills and career. It is recognised by the Government to impart driver training in LMV category also. (Association, 2017).

HGTA is a non-profit organisation registered as Trust under Indian Trusts Act. It does not receive any funding from the Government. It has been conducting road safety programmes as a social responsibility towards society and transport sector. Funding for road safety is from the ULBs and State Government presently. Constitution of Road Safety Fund with contribution from the budget and 40 percent of the fines/compounding fee is under process as per the report given by transportation department to Supreme Court committee. (AO, Telangana Transportation department, 2017).

## **Conclusion**

Road traffic injuries and fatalities are causing almost 1.25 million deaths and about 20 to 50 million injuries every year. These have an awful impact on individuals, communities and countries. This public health crisis might deteriorate unless action is taken. Road safety is a common, responsibility of the Government and other society partners. For the road safety strategies to be a success, a wide base of support and cohesive working of all Stakeholder Departments and public is necessary. Steps towards road safety should be taken at every State, district and urban or rural level. For this, proper institutional structure is necessary to guide and monitor them towards road safety.

This report talks about the present status of road safety in Telangana further talking about the programmes and policies of road safety in the State. The institutional structure and decision-making processes of road safety and their nature is discussed outlining the roles and responsibilities of these institutions. The interaction among



these institutions and with the central authority in adopting laws or regulations is also discussed.

Telangana State is the newly formed 29<sup>th</sup> State of the country. With the formation of this new State, its responsibilities and organisational structure underwent drastic changes, out of which road safety is one. Number of road accidents in Telangana state increased from 20,078 (4.1 percent) in 2014 to 21,252 (4.2 percent) in 2015. 7,110 (4.9 percent) persons killed and 22,948 (4.6 percent) persons injured in road accidents in 2015 in Telangana State (Wing, 2016).

As mandated by the Supreme Court Committee, the State has a Road Safety Council constituting the representatives from various Stakeholder Departments in the State headed by Chief Minister of the State. Telangana envisages a separate Road Safety Authority and a lead agency to guide and monitor the activities related to road safety in the State. The Supreme Court Committee on road safety will review the Council every quarter of the year i.e. three months regarding the status of road safety in the State. Road Safety Councils for every district are constituted with District Collector as the Chairperson. A State Road Safety Policy has been formed and approved by the Supreme Court and will be announced in near future. The State until then was following the Andhra Pradesh Road Safety Policy, which was formulated prior to the separation.

Telangana Government's aim was to achieve an accident-free Telangana State. A road safety programme in the name of SAFAR (Safety Always For All Roads,) which is being continued with its name changed to 'Roads Are Safe to All' or RASTA 'is a major step towards the achievement of this aim. Under this, a comprehensive policy was proposed to be made listing down the medium and long-term measures for road safety and the financial support required for their implementation. Transportation Department of the State has come up with various strategies towards improving awareness, ensuring proper enforcement, presence of efficient and effective emergency care and to improve the road and vehicle conditions thus ultimately help to mitigate the number of road accidents and enhance road safety in the State.

Various institutions in Telangana State are working towards road safety. These institutions work for improving different factors governing road safety. R&B, Greater Hyderabad Municipal Corporation (GHMC) and NHAI work towards improving the road conditions in terms of safety standards while designing, construction and maintenance of the roads while Telangana Transport Department is responsible for issue of driving licenses, registration of vehicles and fitness of vehicles. Telangana Police department is responsible for regulating traffic, enforcing laws and educating the public on road safety issues. Institutions like Road safety club, GHMC, and NGOs (Indian Federation of Road Safety) work on the lines of improving public awareness, providing training for the users. Department of Health, Medical and Family Welfare of Telangana State is responsible for medical care of accident victims.

It is revealed through this institutional assessment that many institutions are currently involved in road safety in Telangana. These institutions do not have a clear delineation of their roles and responsibilities, which leads to overlap and duplication of work. In order to strengthen coordination amongst these organisations, and to achieve National and state Road safety goals, a management system needs to be established at State level.



## 6. Institutional Assessment of Road Safety in West Bengal

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### Background

West Bengal is among the 13 States in the country recording maximum number of road mishaps. The number of persons killed per 100 accidents is at 51.4 percent, which makes it the fourth highest in the country as per the 2014 statistics. It is the goods and commercial vehicles, which contribute to around 45-50 percent of the road accidents. Speeding plays a major role. The fatality rate of road accidents in West Bengal is around 52 percent as compared to the national percentile of 13 percent. In line with the Supreme Court Directive of 2015 the Transport Department of West Bengal has notified on July 20, 2016 vide 2559-WT/3M-75/2013 its intent on installation of preset speed limiting devices (SLD) on transport vehicles.

West Bengal has also introduced new laws for road safety. The Government also has initiated a campaign across the State named as 'Safe Drive, Save Life' to curb road accidents and fatalities. This was launched in a workshop organised on July 08, 2016, with a representation from the officials and law enforcing agencies and State Government and the Local Self Governments. This was a combined initiative by the Transport Department and the Police Department. Some of the key takeaways towards a better road safety are mentioned as following:

- Restricting two-wheeler movement on main flyovers of the State after 10 PM
- The campaign of 'Safe Drive Save Life' to be carried across the State as a movement, and making mandatory part of school syllabus
- Sports Department to organise campaigns for road safety
- Road safety programme to be undertaken in each district and sub-division
- Information and Cultural Affairs Department to organise theme songs to be played in all events/programmes organised by the State Government
- Films on road safety prepared by the State to be filmed at all theatres across the State
- Organised actions to be undertaken to prevent overloading of goods vehicles
- Competitions to encourage across all blocks to prevent road accident. Best performing blocks to be awarded and under-performing ones to be reprimanded
- Road safety message and jingles to be played regularly on various FM channels
- Banners and hoardings have been placed across various prominent locations across the State to popularise the road safety initiatives
- Organising workshops, camps and rallies regularly across the districts and sub-divisions with wide participation of public representatives
- Police and Transport Department to undertake rigorous enforcement drive across the State
- The Government has also engaged IIT KGP to audit all the motor driving training schools across the State
- Creating of Road Safety Fund

As per the 2016 Policy of the State on Road Safety the aim is to reduce both accidents and fatalities by 20 percent by the year 2020. The objectives of this Institutional Assessment of Road Safety in West Bengal are the following:

- Identifying the institutions, leadership, structure and decision-making processes with respect to road safety
- Defining roles and responsibilities of the identified institutions with respect regulation on road safety
- Describing the focus areas/areas of expertise of the road safety institutes, particularly regarding risk factors, such as: speeding, drinking/use of drugs and driving, distracted driving not wearing seat belts and helmets and not using child restraints and vehicle safety aids
- Finding the nature of the institution's authority (like Advisory or Lead/Mandatory) regulatory road safety matters
- Specifying how the institutions will interact with each other (like processes), with the National level institutions towards adopting laws or regulations. Also, assessing the obligation of States and UTs to implement National laws, in general and specifically road safety and transport laws, and assess the degree of flexibility that States/UTs have to adhere to or provide exceptions and exemptions in implementation

## **Institutional Framework**

The subject of road safety is dealt by a group of stakeholder departments/agencies of State Government. These departments are Transport Department, Police Department, Public Works Department, National Highway Authority of India, Medical and Health Department, Department of Local Self Government, Urban Development and Housing Department, Education Department and stage carriage agencies etc. All the mentioned stakeholder agencies or department have their well-defined roles, responsibilities and functions towards achieving the goal of road safety in the State of West Bengal.

Transport Department is the nodal department for road safety, which enforces the motor vehicle act, rules and regulations on one hand and executes monitors and coordinates the initiatives taken for road safety in West Bengal. Similarly, other Departments also play their roles.

During the interviews, given the paucity of time, nearly all the stakeholders did not have time for requisite permission from higher authorities, hence are not cited on record, though the questionnaires are with the researcher. From the discussions, it was apparent that the Kolkata Traffic Police, PWD and Education Department were the most active. The Health Department though directly working under the Chief Minister was lagging behind on initiatives and implementation.

It is important to bear in mind that there has been a spate of fairly high profile accidents both fatal and serious in the State, and the police have not been interfered with in their process of investigation. In the research undertaken we would have preferred to have the Police Department bifurcated into traffic and investigative, however, the circumstances force the clubbing, though it has to be underlined that the Traffic Police is fairly open with their initiatives on road safety.

### ***Transport Department of West Bengal***

The Transport Department, Government of West Bengal operates from the PARIBAHAN BHAVAN, situated at 12, R.N. Mukherjee Road, Kolkata 700001. The Kolkata RTO office is known as Public Vehicles Department. In addition to this office, there are RTO offices in each of the districts and are normally located at the District Magistrates office precincts. To cope with the huge vehicle population there are independent M V offices manned by ARTOs in seven important and densely populated sub-divisions. In addition to this, there are three border check posts.

Transport Department deals with wide spectrum of public services such as issuance of driving licenses, registration of vehicles, issuance of permits, operation of public transport services, development of transport infrastructure and promotion of private sector investment in transport sector. The department aims at providing an efficient, transparent and smart transport system for the State. With these overall objectives and vision, the Department has taken up the following functions:

- Ensuring functioning of RTO Offices transparent and people-friendly, with the introduction of *e-vahan*, *e-sarathi* and smart cards
- Enhancing public transport services in the State by increasing operational efficiency of State Transport Undertakings and encouraging private sector participation
- Developing of Water Transport Facilities including jetties and Management
- Developing of Air Transport Facilities in the state by promoting regional connectivity along with the development of regional airports/helipads
- Developing of transport infrastructure by constructing bus terminals, truck terminals, freight terminals, flyovers, construction of jetties and introduction of modern transport equipment i.e. vessels, RO-ROs, catamarans, water taxis, modern urban buses including AC Fleet etc.
- Reducing road accidents by promoting Safe Drive Save Life campaign and coordinate with all Departments to reduce road accidents
- Encouraging private sector participation in development of transport infrastructure
- Giving lateral assistance to important transport projects to Railway including Metro Railways

As per the mandate under S.215(2) of the Motor Vehicles Act, 1988 the State of West Bengal is required to form a State Road Safety Council and also a District Road Safety Committee for each district and as per the West Bengal Motor Vehicles Rules 1989 Rules 356,357 and 358 have stipulated the functions and scope for the creation of such Sub-Committees. In the document, following are the mentioned institution-wise the participation in such Safety Council.

**Table 10: Administrative and Functioning of Transport Department**

S. No.	Structure/Functioning	Current Provisions
1.	<i>Regulatory Roles and Responsibilities</i>	<ul style="list-style-type: none"><li>• Registration of the all the motor vehicles as per act and rules</li><li>• Issuance of driving licences (Learning, Permanent and Duplicates) to all the motor vehicle drivers as per act and rules. Issuing permits, fitness certificates,</li></ul>

S. No.	Structure/Functioning	Current Provisions
		<ul style="list-style-type: none"> <li>• Safety of in-use Vehicles – Inspection and Certification (I&amp;C)</li> <li>• Running and Auditing Vehicle Inspection and Certification Centres</li> <li>• Facilities for maintenance need to be developed for vehicles diagnosed with faults during inspections</li> <li>• Human Resource Development: Training modules need to be developed targeting staff, attendants, inspectors, auditors and mechanics</li> <li>• Increasing visibility at night reflective tapes to be placed as prescribed as per AIS 090 standards for 3 Wheelers, Taxi, LCV, HCV, and Buses. This should also be followed for trucks, trailers including agriculture tractor trailers</li> <li>• Checking overloading of commercial vehicles</li> <li>• Educating transporters to have a reasonable schedule of movement of vehicle. Formation of Rule, Regulations or Policies on road safety</li> </ul>
2.	<i>Coordination with other Departments, States and National institutions regarding regulatory issues</i>	<ul style="list-style-type: none"> <li>• Transport Department is responsible for all sorts of official communications with the agencies of national, inter-state, intra-state level including Central, respective State Governments, Government of West Bengal and Stakeholder Departments.</li> </ul>

### **Police Department**

The mission of West Bengal Police is to enforce the law and to bring the attitudinal change for greater police public harmony and thereby achieve greater efficiency in its primary objective of prevention of crime and detection of crime. The aims and objectives of West Bengal Police is to apply the law fairly and firmly in order to prevent and detect crime, and bring to justice those who break the law. The West Bengal Police strives to keep the State peaceful to help, to protect people through active cooperation of the community.

The West Bengal Police is divided into Armed Police and District Police. It also has a traffic unit inside Kolkata. The State Traffic Police HQ is a nodal agency for all matters relating to Traffic and collection of data's in connection Traffic accidents in the whole of West Bengal excluding the city of Kolkata covered by Calcutta Police Act and Suburban Police Act. The State Traffic Police HQ is functioning by dint of Government order Bo. 1484-PL/PB/3P/99 dated March 15, 2000 bifurcating Traffic and Railways. This is well defined structural organisation headed by Director General of Police assisted by an Additional Director General of Police, one Inspector General of Police and one Dy. Inspector General of Police. There is also provision of Superintendent of police to assist the hierarchy.

A small number of executive staff consisting of Dy. Sps, Inspectors, Sub-Inspectors, Constables work here. The logistic support is given by a group of Ministerial Staff headed by one Head Clerk, Accountant, some typists etc. The concept of Traffic Police is not a new or modern concept, we trace the first history of Traffic Police in G.O. No.

2860-PL dated 21.07.51, whereas in Calcutta ; Traffic Police is created with one of DC and AC and complementary Inspectors, sergeants and constables to manage and control the traffic of Calcutta.

The traffic system in the districts is under the control of Superintendent of Police, who drafts policemen from his resources of the police personnel to manage the traffic in his area. The Superintendent of police in his wisdom/deployed manpower for the optimum utility of the resources. The Traffic Police HQ intervenes only at important occasions – calls vehicular traffic to be diverted from one district to another or to be stopped on the National Highways, to a massive congestion and traffic jams occasionally like *Durga Puja, Kali Puja* and other important VIP movements to the inter district are a few of the duties of Traffic HQ.

It is also one of the mandates of the Traffic HQ to liaison with Pollution Control Board Air Pollution on the by vehicular traffic and also to check and control the menace of the air horn and musical horn in the long distance buses and heavy vehicles playing on National Highways. The Traffic Police HQ is also assisting the district police in all important motor accidents and fatal cases and guiding during the investigation – most of the time to its logical conclusion. Traffic Police assists NGOs' working with the traffic to create road safety awareness amongst the pedestrians as well as drivers. It organises road shows with the help of NGOs to create road awareness amongst general Traffic HQ also conducts Traffic Safety Weeks with the help of school children for optimum results in creating safety awareness in coming future.

### ***Traffic Police***

The West Bengal Traffic Police Branch came into being in the year 2000 bifurcating the erstwhile Traffic and Railways Police in view of the growing needs of traffic management in the State having its HQ at Kolkata.

Presently, the Traffic Police Branch is headed by the DG & IGP, Traffic, West Bengal, assisted by an Addl. Director General of Police, one Inspector General of Police and one Dy. Inspector General of Police. The West Bengal Traffic Police Branch is responsible for the control and management of traffic in the State excluding the city of Kolkata covered by Kolkata Police Act and Kolkata Suburban Police Act.

Its main functions include patrolling of National and State Highways; enforcement of traffic laws and rules; development of skills and expertise in the matter of traffic related matters; perspective traffic management planning; liaison and coordination with Pollution Control Board (PCB) on vehicular pollution and to advise the District Traffic Branches/Police Commissionerates on the training and development of manpower for traffic management duties. The Superintendents of Police in the Districts have also been designated as Superintendent of Police, Traffic for their respective districts and roles under the control of State Traffic Branch regarding traffic issues.

Similarly, the Traffic Branches of the newly created Police Commissionerates viz. Bidhannagar Police Commissionerate, Barrackpore Police Commissionerate, Howrah Police Commissionerate, Asansol-Durgapur Police Commissionerate and Siliguri Police Commissionerate are also working under the supervision and control of the West Bengal Traffic Branch Headquarters.

The Traffic Branches in the Districts as well as the Commissionerates are working under the direct control of the Superintendent of Police/Commissioner of Police/Dy. Commissioner of Police, Traffic, who deploy traffic policemen from their own resources to manage the traffic under their respective jurisdiction.

However, the Traffic Police (Headquarters) intervenes and coordinates in important traffic management issues involving diversion and regulation of traffic on the occasions of major festivals like *Durga Puja*, *Kali Puja* etc., as well as the movement of the Very Important Persons (VIPs)/ Very Very Important Persons (VVIP).

The Traffic Police (Headquarters) also assists the District Police/Commissionerate in all important Motor Accident and Fatal cases and guides the investigations of these cases and sometimes, also takes up the investigation of Fatal Road Accidents involving deaths and injuries in serious cases. It also issues necessary instructions and circulars on important traffic related matters to the District Traffic Branches/Traffic Branches of Commissionerates. The Traffic Police Branch Headquarters is also involved in various programmes of road traffic awareness and discipline amongst the road users to ensure their safety on the roads.

**Table 11: Administration and Functioning of Traffic Police**

S. No.	Structure/Functioning	Current Provisions
1.	<i>Administrative Structure</i>	<ul style="list-style-type: none"> <li>• Additional Chief Secretary, Home Department, Director and Inspector General of West Bengal Police and ADG Traffic represents the department in the Road Safety Council constituted at state level</li> <li>• The Police Commissioners of Kolkata, Bidhannagar, Barrackpore, Asansol, Siliguri and Howrah are also part of the SRSC</li> <li>• The Deputy Commissioner(s) of Police (Traffic) and the Superintendant of Police are the members of the District Road Safety Committee</li> <li>• Principal Secretary, Home Department and Director General of Police represent the Home and Police Department in the State Traffic Management Committee to carry out its roles and responsibilities and decisions taken for Police Department for entire West Bengal</li> </ul>
2.	<i>Decision making</i>	<ul style="list-style-type: none"> <li>• All the decisions related to Road Safety are taken in the State Road Safety Council. Police Department being the lead enforcement department of the traffic rules, regulations and others takes orders from DGP and ADG (Traffic) and passing down at district level up to Traffic SPs. Respective Traffic SPs further pass on the orders or instructions up to the Police <i>Thana</i> level and ensure their compliance</li> <li>• The funds are generally allocated in the budget to the Transport Department and the Transport Department links up with the Police Department for the mobilisation of those funds</li> </ul>



S. No.	Structure/Functioning	Current Provisions
3.	<i>Regulatory Roles and Responsibilities</i>	<ul style="list-style-type: none"> <li>Police Department (Traffic and Civil) is responsible for overall enforcement of the Motor Vehicle Rules and regulations. Institutional set of Traffic Police and Civil Police are to regulate, manage, and check the traffic in all the urban and semi-urban areas of the State</li> <li>Internal Planning for road safety and coordinating with other planning road safety agencies for giving planning inputs</li> <li>Collection, maintain the road accident data and share the same with stakeholder departments, especially nodal departments</li> <li>Coordination with the key Stakeholder Departments related to road safety, especially Transport Department, PWD/NHAI, Medical and Health and Education</li> <li>Identifying Black Spots on Roads and monitoring corrective measures taken</li> <li>Following Good Samaritan Guidelines. Police plays role of helping the road accident victims to help them reach and avail emergency care</li> </ul>
4.	<i>Focus areas /areas of expertise regarding five risk factors</i>	<ul style="list-style-type: none"> <li>Collecting road accident data and maintain law and order related to roads issues</li> <li>Educating road safety among road users</li> <li>Enforcing all the rules on the ground is the focus area of Police. It runs special campaigns for all the five risk areas, driving without proper licence, registration etc.</li> <li>Taking lawful actions against the violators of traffic rules and regulations, in general and five risk areas particularly</li> <li>Using sophisticated breath analysers for drink and drug driving and penalising accordingly</li> </ul>
5.	<i>Nature of Road Safety Authority</i>	<ul style="list-style-type: none"> <li>Police department wields powers under West Bengal Police Act, 1952 for enforcement of traffic laws and rules and taking legal actions against the violators</li> <li>Nodal agency for data collection related to road accidents, reason and other related details as per given format by MoRTH and identifying Black Spots</li> </ul>
6.	<i>Coordination with other States and National institutions on regulatory issues</i>	<ul style="list-style-type: none"> <li>Police Department being the lead enforcement department of the traffic rules and regulations and others, generates data regarding enforcement, violations and road safety. At Police Stations, this data is collected and internally shared with all concerned higher officials at district level, ADG (Traffic), DGP and Home Minister level. Further, it is shared with the nodal department/ concerned departments for taking appropriate actions. Besides, the data is timely provided to National Agencies and MoRTH</li> </ul>



### ***Public Works Department***

Public Works Department is entrusted with the planning, survey, design, construction and maintenance of roads, bridges and buildings throughout the state as well as having various responsibilities for emergency and relief activities. PWD also provides infrastructural support for both original and repair works to all the departments directly under the Government of West Bengal as well as different Semi-Government/Government undertakings. Besides, construction of buildings, bridges, roads including national and state highways, PWD has the responsibility of maintaining a network of about 17265km road throughout the State, out of which 1740 is National Highway, 3612 km is State Highway, 9495 is major district road and 2418 km is rural road. It is also responsible for putting up road markings, signage and correcting the black spots as per recommendations given by the concerned agencies. The Principal Secretary is a member of the state Road Safety Council. The Cell has been constituted by the PWD vide note no. 78 dated 17/04/2015 to perform road safety audit as per the guidelines framed by the Indian Roads Congress.

This is chaired by the Project Director, Project Implementation Unit of PWD. Road Safety Audit Road Safety Audit in West Bengal, according to PWD, Government of West Bengal will commence within three to six months for all major State Highways and other roads. This could be accomplished by specialised and experienced Consultants. PWD is consulting with IIT Kharagpur for appointment of consultants for RSA for the entire State. Day and night inspections to be conducted by the experts and recording each and every issue of road safety. The Consultant shall observe the stretch of the road based on the accident data made available by the Police. On the basis of the accident/type, an analysis will be done to avoid the accidents in the stretch recommended by the Consultants. The PWD and other Departments will implement recommendations on the basis of the priorities derived from the audit process.

A Black Spot protocol has been prepared by PWD, Government of West Bengal as per the directions of MoRTH vide memo no. 1796-E-n-C/2015 dated 29/09/2015. As per the Protocol, a Black Spot can be defined as a specific spot on a road at midblock section or at any junction with the occurrence of a minimum 10 number of accidents and/or a minimum of 5 fatalities in a year. Identification of Black Spots shall be done by giving weightage to fatalities, serious accidents, minor accidents and property damage. The sections will be taken up for improvement and remedial measures in a descending order. The section having the highest weightage will be taken firstly and so on. Identification of Black Spots will be done in such a manner that a joint inspection by the Police and PWD will be carried out with expert consultants. Analysis of the Black Spots will be completed after acquiring the accidents records from Police Department within 30 days of inspection. Based on the information collected, short and long-term remedial measures will be defined. It is also observed that NHAI also plays a key role in adopting road safety measures on the State national roads and also ensures similar tasks as played by PWD for State Highways.

**Table 12: Administration and Functioning of PWD Department**

S. No.	Structure/Functioning	Current Provisions
1.	<i>Administrative Structure</i>	<ul style="list-style-type: none"> <li>Principal Secretary is a member of the State Road Safety Council. An Executive Engineer or is a part of the District Road Safety Committees</li> <li>The executive engineer [roads] of each district is a member of the District Road Safety Committee</li> </ul>
2.	<i>Decision making</i>	<ul style="list-style-type: none"> <li>All the decisions related to Road Safety are taken in the SRSC and the District Road Safety Committees at State and District levels, where PWD is also a member. PWD implements road safety provisions during construction, operation and maintenance stages</li> <li>After Minister and Principal Secretary, the Chief Engineer (Roads) is the main decision maker and monitoring office regarding road safety and passes on the related decisions for implementation</li> </ul>
3.	<i>Regulatory Roles and Responsibilities</i>	<ul style="list-style-type: none"> <li>Constructing of State Highways and other roads and Implementation of road design standards set by the IRC</li> <li>Improvement of road signs as per IRC standards on State Highways and other major roads</li> <li>Implementing Road Safety Audit during designing, construction, operation and maintenance stage for all the roads and Implementation of Road Safety Audit recommendations</li> <li>Eliminating high risk stretches (Black Spots), training of road safety engineers etc.</li> <li>Preparing the State Road Safety Action Plan</li> <li>Improving junctions and lights on State Highways and other major roads</li> <li>Plugging unauthorised median cuts on roads, which cause accidents and taking measures to prevent driving the vehicles in opposite directions</li> <li>Establishing a specialist road safety unit to monitor and improve the safety of road network</li> <li>Taking speed reduction measures on State Highways near inhabited areas</li> </ul>
4.	<i>Focus areas /areas of expertise regarding five risk factors</i>	<ul style="list-style-type: none"> <li>Designing, constructing, operating and maintaining safe roads in the State</li> <li>PWD takes traffic reduction measures on roads to control speed</li> <li>Lane markings as per the speed of the vehicle to control the same</li> <li>Putting up speed limit signages on State Highways and other major roads</li> </ul>
5.	<i>Nature of Road Safety Authority</i>	<ul style="list-style-type: none"> <li>PWD wields powers of road construction and is responsible for road safety in West Bengal as per the provisions of 'West Bengal State Highways Act, 1964'</li> </ul>

S. No.	Structure/Functioning	Current Provisions
		<ul style="list-style-type: none"> <li>As per West Bengal Motor Vehicle Rules, 1990 and Road Safety Policy of West Bengal, PWD is responsible of constructing State Highways and other roads</li> </ul>
6.	<i>Coordination with other States and National institutions regarding regulatory issues</i>	<ul style="list-style-type: none"> <li>The Minister and various designated officials of PWD represent the Department in State Road Safety Council and District Road Safety Committees</li> <li>PWD also reports the data to the concerned national agencies related to road standards etc. It also shares information related to the action taken on Black Spots and other measures taken in response to the decisions taken by the specified Committees regularly</li> </ul>

### **Medical and Health Department**

As per the recommendation of the working group on emergency care in India in 2011 constituted by the Ministry of Road Transport and Highways, GOI, Department of Health and FW, the Government of West Bengal has expanded the Level III trauma care facilities. As per the road safety action plan 28 functional units of critical care units would be made available. So far 42 hospitals have treatment of emergency/post crashes cases including trauma, 30 hospitals with critical care facility are available. For the 12<sup>th</sup> FYP (2012-17) 8 trauma care units are proposed on the national highways. The road safety action plan perceives the emergency care to be the 6<sup>th</sup> pillar, and towards this the Government has developed a mandate of verifying and designating the existing health care facilities along the highways and to upgrade those found deficient to a minimum defined levels and to plan for new facilities where there is a deficit so as to ensure the availability of one emergency care facility at every 50 km along the National Highways.

It also plans for a seamless networking amongst the health facilities, rescue services, existing fleet of ambulances, etc, through a single toll free help line. There is deployment of ambulances and crash rescue vehicles near accident prone spots on state highways. There is initiation of strengthening the number of ambulances deployed. The transport department and the department of health and FW would be responsible for the capacity building and regular training in first aid to the people in the hereabouts of the accident prone zone. A target of training 440 medical and para medical personnel including nurses is set, besides regular training being conducted to train medical officers and nurses in critical care. Specialised training in basic and advanced life saving support will be given to 60 medical officers, 60 paramedics and 200 nurses in collaboration with Singhealth of Singapore.

Very little could be gleaned in the limited time provided about the updated statistics of the above projected plans from the health department. Perhaps a study of the hospitals and trauma centres could have yielded some results. However, the government of West Bengal with the Chief Minister in charge of health and family welfare is focussed on the reduction of fatalities of the road. This is particularly evidenced more from the police department (both traffic and investigative wing) and their readiness to answer the questions on implementation of road safety and as well as the spurt in the trauma centres in the government hospitals.

**Table 13: Administration and Functioning of Health Department**

S. No.	Structure/Functioning	Current Provisions
1.	<i>Administrative Structure</i>	<ul style="list-style-type: none"> <li>Principal Secretary of the health and family welfare is member of State Road Safety Council. This committee is the highest decision making body related to road safety so decisions taken and progress made are directly communicated to all concerned members of these bodies.</li> <li>The Chief Medical Officer of Health is a member of the District Road Safety Committee in every District.</li> </ul>
2.	<i>Decision making</i>	<ul style="list-style-type: none"> <li>Principal Secretary is the Administrative Head of the Department and takes all the executive and regulatory decisions regarding the road safety. He being the member of State Road Safety Council and District Road Safety Committee gets directions and reports progress related to trauma care and others related to road safety.</li> <li>Since an official is full time part of the road safety committee which executes all the road safety related decisions and plans so he plays bridging role and ensures two way communications</li> </ul>
3.	<i>Focus areas/ areas of expertise regarding five risk factors</i>	<ul style="list-style-type: none"> <li>Providing trauma care facilities to the road accident victims as per guidelines and set standards.</li> <li>The Traffic Police Department coordinates the five risk factors and collates data</li> </ul>
4.	<i>Nature of Road Safety Authority</i>	<ul style="list-style-type: none"> <li>As per the Central and West Bengal State Motor Vehicle Rules, the primary responsibility of trauma care is also lies with the State and Central trauma care centres</li> </ul>
5.	<i>Coordination with other States and National institutions regarding regulatory issues</i>	<ul style="list-style-type: none"> <li>Principal Secretary shares the facts, figures, data and progress to these bodies at State level</li> <li>The official then reports and share facts, figures about the trauma care and other activities related to the Committee, which further reports to the concerned State and Central Governmental level Departments.</li> </ul>

**Urban Development Department**

The Urban Development Department, which was previously known as the Metropolitan Development Department presently has three Branches viz. Metropolitan Branch, Town and Country Planning Branch and Urban Land Ceiling Branch, each of which has a different history of its own.

During the 50s, the Irrigation Department took up a township project in the North-Eastern suburb of Kolkata by the name of Salt Lake City. In 1961 the Kolkata Metropolitan Planning Organisation, the first of its kind in India, was set up through a

resolution of the Development and Planning Department, to develop a comprehensive development plan for the Metropolis of Calcutta. Later on, the Development and Planning Department set up separate Development Authorities for Siliguri-Jalpaiguri, Asansol-Durgapur, Digha, Haldia, Sriniketan-Santiniketan and Jaigaon and Planning Authorities for Burdwan, Midnapore – Kharagpur, South 24-Parganas, Mirik, Bakreswar, Barjora - Gangajalghati, Farakka, Gangasagar-Bakhali, Tarapith-Rampurhat, Furfura Sharif. The purpose was all-round development and preparation of Land Use and Development Control Plan (LUDCP) of the local areas.

All the above Development Authorities and Planning Authorities were created under the Town & Country Planning Branch of the Development and Planning Department. For all round development of certain other local areas, Kanchrapara Area Development Scheme (Kalyani Township) and Patipukur Township were undertaken by the Development and Planning Department in the fifties and sixties.

Later on, as the activities of these two Sectors gradually gained momentum two full-fledged offices in the name and style of Kalyani Estate Office and Patipukur Estate Office were established under the said Development and Planning Department.

Subsequently in 1966 Kolkata Metropolitan Water and Sanitation Authority (KMW & SA), and again in 1970, Kolkata Metropolitan Development Authority (KMDA) were established for implementation of a large-scale urban infrastructure development programme, the objective of which was to arrest the rapid deterioration in the urban involvement of Kolkata Metropolitan Area and to address the emerging urban aspirations of the urban people. In 1912 Kolkata Improvement Trust (KIT) had started operation with a programme of development of urban infrastructure of the city of Kolkata in terms of the Kolkata Improvement Act, 1911 (K. I. Act). Both KIT and KMW & SA were later placed under the administrative control and supervision of the KMDA Board for integration and quicker implementation of various Urban Development Projects within the KMA.

The Urban Land Ceiling Branch with a Directorate at Kolkata and Sub-divisional offices in the districts were set-up under the Land and Land Reforms Department under the Urban land (Ceiling & Regulation) Act, 1976. Later on, it came under the Urban Development Department<sup>2</sup>. The urban development department is a main stakeholder in the road safety management. It has evolved specific performance targets and is a designate lead agency on road safety and an authority to implement measures. It is critical in planning out the roads and lanes, it has planned for separate bus lanes, bus bays, and there are provisions for separate roads for bicycles and non-motorised modes on all arterial roads and highways.

Moreover, it works closely with the PWD in isolating and high marking the Black Spot areas. A Black Spot calendar is in place and is followed by PWD and is submitted periodically to the Supreme Court council on road safety. The protocol followed for the national highways is as per the MoRTH notification and for state highways it is a spot or stretch of 200 m length where six or more accidents or three or more fatalities occur during a calendar year. The PWD Department has completed assessment of 33 black

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<sup>2</sup> <https://wb.gov.in/portal/web/guest/urban-development-and-town-and-country-planning>

spots and has implemented short term measures such as highlighting the zone, there are eight other black spot areas where the civil work is in progress, and 14 for which assessment is in progress. Black spot identification is usually a joint inspection outcome. Current status and provisions are same as that of Rajasthan except a few aspects.

**Table 14: Administration and Functioning of Urban Development (UD) Department**

S. No.	Structure/Functioning	Current Provisions
1.	<i>Nature of Road Safety Authority</i>	<ul style="list-style-type: none"> <li>UD wields powers of road construction and responsible for road safety in urban or city roads in West Bengal as per the provisions of West Bengal Municipal Act, 2009</li> <li>As per West Bengal Motor vehicle Rules, 1990 and Road Safety policy of West Bengal, UD is responsible of constructing urban or city roads and implementing road safety measures</li> <li>UD coordinates closely with the PWD and the KMDA (Kolkata municipality)</li> </ul>
2.	<i>Coordination with other State and national institutions regarding regulatory issues</i>	<ul style="list-style-type: none"> <li>UD directly reports its action taken reports to the supreme court council on road safety, this is a joint exercise by the state and its various departments and is done on a quarterly basis</li> </ul>

### ***Education Department***

The Education Department of West Bengal is known as the Department of Higher Education, Science and Technology and Biotechnology and is headed by Principal Secretary under the Minister in Charge. The SRSC for the State of West Bengal includes the Principal Secretary, Technical Education and Training Department, Government of West Bengal (GoWB) and Principal Secretary, School Education Department, GoWB.

The major responsibility of School Education Department lies in inculcating the concepts of Road Safety unto the psyche of school going children from an early age. The action plan is formulated to achieve clarity on the role and responsibility in educating school going children on the importance of road safety. The school education department plays an important role in imparting education to the minors during their school life which builds the awareness of citizens to obey the Traffic Rules and Safety codes.

The education department in the last meeting of the SRSC submitted a detailed action plan, and has taken the responsibility of conducting more workshops and awareness programs in different schools and educational institutions. The Council has also directed the education department to include 'Safe Drive Save Life' in the syllabus of all classes up to class IX. A message of Safe Drive Save Life will also be printed on all the text books. This movement of 'Safe Drive Save Life' conceptualised by the Chief Minister herself is a state wide programme.



The theme of road safety is also found to be embedded in the physical education text books across primary and upper primary stages. A teacher's training manual on physical education has been developed prominently focussing on 'Safe Drive Save Life'. The training programme for teachers is being conducted with the help of Kolkata Traffic Police.

**Table 15: Administration and Functioning of Education Department**

S. No.	Structure/Functioning	Current Provisions
1.	<i>Administrative Structure</i>	<ul style="list-style-type: none"> <li>Principal Secretary gets directions from Cells like Road Safety Council and takes appropriate initiatives for education on traffic rules/road safety issues, roles of common users</li> <li>The DI of Schools is a member of the District Road Safety Committee for each district of the State</li> <li>The State Council for Education Research and Training is also a stakeholder</li> </ul>
2.	<i>Decision making</i>	<ul style="list-style-type: none"> <li>The Minister in charge of road safety and the Principal Secretary, who play a key role in decision making processes related to implementing the activities to be conducted as per Road Safety Action of West Bengal</li> </ul>
3.	<i>Regulatory Roles and Responsibilities</i>	<ul style="list-style-type: none"> <li>Primary and Secondary Schools, with cooperation of the Traffic Police Department play a crucial role in educating school children for inculcating traffic sense, awareness regarding traffic rules</li> <li>Establishment of Expert Committee to incorporate road safety education in regular curriculum of primary to secondary education</li> <li>Expert Committee set by the State Government with a sole objective of review and research of current road safety education practices and material for road safety, especially targeting youth and students</li> </ul>
4.	<i>Focus areas regarding five risk factors</i>	<ul style="list-style-type: none"> <li>Innovative steps taken by schools in each district in cooperation with the Traffic Police of Kolkata, towards awareness programmes for the five risk factors</li> </ul>
5.	<i>Nature of Authority of Road Safety Education Department</i>	<ul style="list-style-type: none"> <li>School Education Department plays an important role in imparting education to the minors by creating awareness among the citizens to obey the traffic rules and safety codes</li> <li>Action plan is formulated to achieve clarity on the role in educating school children by the Department</li> </ul>
6.	<i>Coordination with other States and National institutions regarding regulatory issues</i>	<ul style="list-style-type: none"> <li>The awareness activities are reported directly to the State Road Safety Council through the Principal Secretary</li> </ul>



### ***Nodal Agency***

The Transport Department of the State being well equipped with resources and authority to implement measures to tackle the road safety situation in the State has been designated as the Nodal Agency. The Additional Secretary, Transport Department who also serves as the Additional Member Secretary of the State Road Safety Council is the Nodal Officer for the Nodal Agency under the Road Safety initiatives. The various departments involved in the road safety situation in the state have their respective designated Nodal Officers who shall provide inputs and implement 7 | Road Safety Action Plan - Summary Report measures to improve the current road safety scenario as per the targets set for their respective departments. The following chart describes the structure of the Nodal Agency: The Department has further engaged M/s. Delhi Integrated Multi-Modal Transit System Ltd. (DIMTS), a joint venture organisation of Government of Delhi and IDFC Foundation for assistance in preparation of the State Road Safety Action Plan. For day-to-day monitoring and evaluation of the progress on Road Safety as targeted in the Action Plan, Nodal Agency proposes to involve M/s. DIMTS Ltd. for rendering Secretarial Services for the initiatives in the State.

### ***The Road Safety Cell***

The Road Safety Cell has been constituted by the Public Works Department, Government of West Bengal vide note no. 78 dated 17/04/2015 to perform Road Safety Audit as per the guidelines framed by the IRC. Chaired by the Project Director, Project Implementation Unit (PIU), Public Works (Roads) Department, this Cell constitutes the following members: 1. Project Manager (Kolkata), PIU, PW(R) Dte: Responsible for monitoring and improvement of the safety of road network in the Kolkata zone 2. Project Manager (South) PIU, PW(R) Dte: Responsible for monitoring and improvement of the safety of road network in the southern zone 3. Project Manager (North) PIU, PW(R) Dte: Responsible for monitoring and improvement of the safety of road network in the northern zone.

The Draft Road Safety Policy of West Bengal to be notified shortly envisages 20 percent reduction in accidents in by 2020. Though the MoRTH desires reduction in accidents up to 50 percent in 5 years, the target of 50 percent reduction is very ambitious since Japan was able to reduce 50 percent accidents in 10 years. The reduction of accidents in the Draft Road Safety Policy is modest and can be achieved by effective implementation of Road Safety Action Plan and its targeted components.

### **Road Safety Fund, Audit and Action Plan**

Road Safety Fund created in FY 2016-17 with a corpus of Rs50 cr. It was utilised for procurement of various traffic equipments (CCTV, Red Light Violator Detector, Radar Speed Sign and Enforcer Cameras, Laser Speed Guns, Breath Analysers, Auto/Manual Traffic Signals, Wrecker Vans, etc.), awareness generations and 'Safe Drive Save Life' campaign. For FY 2017-18, the corpus is ₹65crore.

In regards to road safety audit the Government has engaged IIT-KGP for Road Safety Audit of 438KM stretch under NH60 & NH117 with priority on high traffic density, fatal crash zones it has also Engaged consultants for Road Safety Audit for another 100KM on SHs the target is to complete the audit by one year i.e. 2018.

### ***Action Plan 2017-18***

- Enforcement authorities have been geared up for suspension of driving licence in cases of over speeding, red light violation, use of mobile phones while driving, overloading and major accidents.
- Powers have been delegated to Police Authorities - Suspension and Revocation of Driving Licence: Up to Inspector level (u/s 19) [ 5311-WT dtd 23.11.2016]
  - Composition of various offences under diff provisions of MV Act, 1988:Upto Sub-Inspector Level(u/s 200)[5779-WT dtd 5.7.1996]
- Work of construction of around 50 Watch Towers near Black-spots and high-speed stretches has been taken up - to be manned by Police personnel along-with speed cameras. Vehicles violating traffic rules to be flagged down in next watch tower 10 Interceptor vehicles being procured in 2017-18
- 1<sup>st</sup> batch of 85 instructors of various Motor Training Schools have been trained by IIT, Kharagpur.
- State of the Art: Regional Motor Vehicle Training School along with Sensor based driving track is coming up at Kolkata under technical guidance of CIRT, Pune
- Stringent Driving Test under CCTV surveillance at MV Offices
- Transport Department prepared booklet containing mandatory, cautionary and informative signs as per IRC guidelines as well as innovative signages in Bengali and English
- Training Manual for Drivers prepared in collaboration with IIT-Kharagpur
- More than 4000 CCTV cameras with different capacities have been installed at important locations across the State
- Automatic Number Plate Recognition Camera System introduced
- Radar Speed Sign and Enforcer Camera to be introduced soon in Kolkata
- Procurement of 100 High Resolution (4MP) IP CCTV Unit for different black spots and vulnerable accident spot on NH and SH is under process. At few high-speed stretches of flyovers, infrared strobes cameras, have been installed with speed-flasher to alert the drivers. These cameras are capable to issue tickets to violators

## 7. Institutional Assessment of Road Safety in Delhi

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### Background

The road network of Delhi has increased from 32,131-lane km (2007-08) to 33,198 lane km and additional 62 km flyovers (2014-15). The road network in Delhi is being developed and maintained by National Highway Authority of India (NHAI), PWD, Municipal Corporations of Delhi (MCD), New Delhi Municipal Council (NDMC), Delhi Cantonment Board (DCB). Road safety along national highways falls within the Ministry of Road Transport & Highways. Delhi has following routes of National Highways:

- **Delhi-Gurgaon Expressway** is a 28 km long hi-tech expressway connecting Delhi to Gurgaon. It is part of the governments ambitious Golden Quadrilateral project, that will eventually connect Delhi, Mumbai, Chennai and Kolkata, by 4 or 6 lanes.
- **Delhi Noida Direct Flyway/ DND:** DND is an eight lane expressway that has full access control and connects Delhi to Noida.
- **National Highway 1** is one of the oldest highways, with a lot of historical background. It connects New Delhi to Attari, a strategically placed town at the Indo-Pak border.
- **National Highway 2:** NH2 is often referred to as the Delhi-Kolkata Road and has heavy traffic most of the time. It was initially part of the G.T. Road, and passes through the states of Haryana, UP, Bihar, Jharkhand and West Bengal. The records state that it is running over 1465 km from Delhi to Kolkata. It is the road, which connects the Delhi to the states that are on its southern and eastern side.
- **National Highway 8:** This is the critical highway that connects New Delhi to Mumbai. It is a very important connection for businessmen who want to travel to Gandhinagar, Ahmedabad, Surat and Vadodra
- **National Highway 10:** 403 km and connects Delhi to the town of Fazilka in Punjab. It is an important highway for trade and movement of people from the two regions
- **National Highway 24:** instrumental in connecting New Delhi to the capital of Uttar Pradesh, Lucknow. It is 21km in stretch and will eventually connect Nizamuddin Bridge, to divert the flow of traffic from the area. A Delhi Meerut Expressway has been approved that will enable people from Delhi to reach Meerut in 60 minutes.

### Institutional Framework

#### *Transport Department*

Road Transport is a state subject. The Transport Department of Government of NCT of Delhi is entrusted with the responsibility of providing an efficient public transportation system, control of vehicular pollution, registration of vehicles in Delhi, issuance of

Driving licenses, issuance of various permits, collection of road taxes. The Department also entrusted in policy-making, co-ordination, implementation, and monitoring and regulatory functions of all the Transport related aspects of National Capital Territory of Delhi. Delhi Transport Department is legally the department for all the initiatives taken related to the road safety in the National Capital Region (NCR).

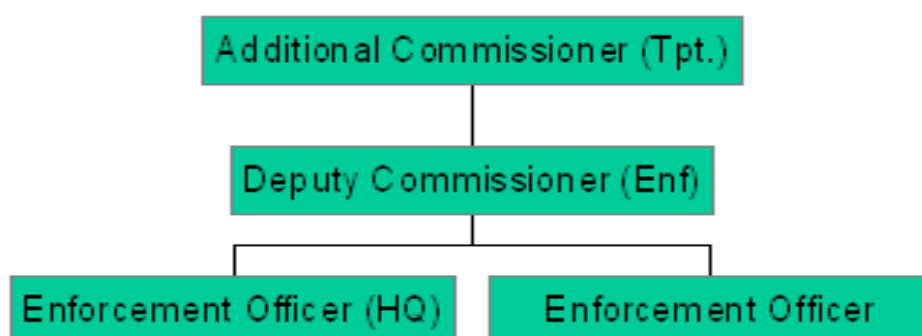
The modes by which work is implemented by Delhi Government are as following:

- Participating in the national initiatives
- Participating in the Advisory Body at the National Capital Territory level
- Implementation of the directions of the Supreme Court of India

#### *Enforcement Branch*

In Delhi Transport Department, The Additional Commissioner (Tpt) branch heads the Enforcement branch. The major functions include enforcement of Motor Vehicle Act and Rules framed there under including Central Motor Vehicles Rules, 1989, and Delhi Motor Vehicles Rules, challenging, disposal of *challans*, impounding of vehicles and implementation of directions issued by the Supreme Court of India. The structure of branch is shown in following figure:

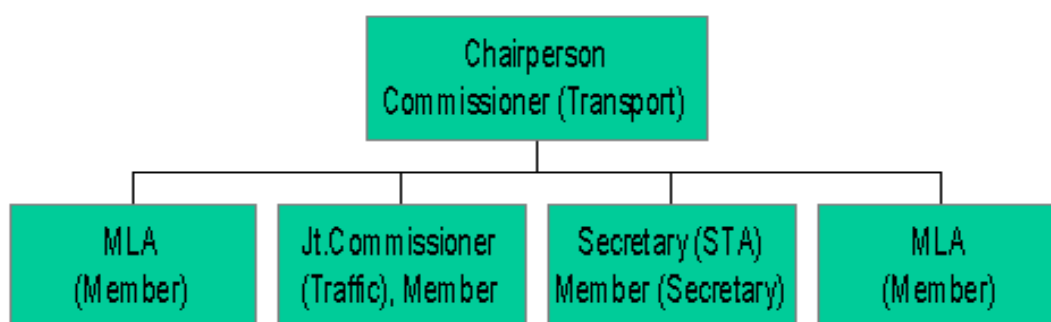
**Figure 2: Structure of Delhi Transport Department**



#### *State Transport Authority*

The State Transport Authority (STA) is headed by a State Transport Authority Board it consists Commissioner/Secretary (Transport) as a Chairperson, Two MLAs as a member, Joint Commissioner (Traffic Police) as a Member and Secretary (STA) as a member, as shown below. The Secretary (STA) heads the State Transport Authority Branch. The major functions of this Branch is the issuance/renewal of permits for commercial vehicles (Passenger & Goods), fare fixation of metered taxis, metered auto and stage carriage buses, collection of authorisation fees etc. The configuration of this branch is shown in following Figure.

**Figure 3: Structure of State Transport Authority**



*Roles and Responsibilities*

- Issuance, renewal of Driving licence
- Implementation of the directions of the Supreme Court. The Supreme Court Committee on Road Safety issued direction to suspend driving license for a period of not less than three months under Section-19 of the Motor Vehicle Act, 1988 read with Rule 21 of the Central Motor Vehicles Rules, 1989 for:
  - Driving at a speed exceeding the specified limit, which in the Committee's view would also include red light jumping
  - Carrying overload in goods carriage and carrying persons in goods carriages
  - Driving vehicles under the influence of drink and drugs
  - Using mobile phone while driving a vehicle

While implementing the directions of the Hon'ble Supreme Court, Delhi Government Transport department does it by way of coordinating with different departments/central ministries/Delhi Traffic Police for concerned implementations.

- Supreme Court has issued several directions for control of vehicular pollution in Delhi in the Writ Petition (Civil) No.13029/1985 in the matter of M C Mehta vs. Union of India. These directions and the time frame for their completion implementations are responsibility of the Delhi Government
- Formulation of school cab policy

The following focus areas are covered under the Road Safety measures below:

- Speeding,
- Drinking/use of drugs and driving
- Distracted driving
- Not wearing seatbelts and helmets and not using child restraints and vehicle safety aids

These are being covered under awareness programmes, driving school initiatives, Delhi Police initiatives and implementation of the directions of the Supreme Court of India.

***High Powered Committee on Decongestion of Traffic***

The High Powered Inter-Ministerial Committee on "Decongesting Traffic in Delhi" has been constituted under the directions of Minister of Urban Development, met several

times after October 7, 2014. Deliberations took place among representatives of following Departments/Ministries from Delhi

*Structure*

1. Ministry of Railways
2. Ministry of Road Transport and Highways
3. Ministry of Defense
4. Ministry of Home Affairs
5. National Highway Authority of India
6. PWD, Govt. of NCT of Delhi
7. Ministry of Urban Development, GNCTD
8. UTTIPEC, Delhi Development Authority
9. GNCTD, New Delhi
10. NCRPB, New Delhi.
11. New Delhi Municipal Corporation
12. Delhi Development Authority, New Delhi
13. Delhi Metro Rail Corporation
14. Delhi Police
15. South Delhi Municipal Corporation, New Delhi
16. North Delhi Municipal Corporation, New Delhi
17. East Delhi Municipal Corporation, New Delhi
18. Delhi Transport Corporation, New Delhi
19. Institute of Urban Transport (India) New Delhi

*Vision, Goals and Strategies*

The Master Plan of Delhi (MPD) 2021 states that “The Vision for Delhi is to have a mobility transition which will deliver a sustainable urban transport system for the city that is equitable, safe, comfortable, affordable, energy efficient and environment-friendly; a system that satisfies the mobility needs of all sections of the population and enhances their quality of life”.

To achieve the Vision set by MPD 2021 and to decongest Delhi, the following goals need to be achieved within the following five years:

1. Mobility Target –preferably 80-20 modal share in favour of public transport (considering motorised trips only)
2. Air Quality Target – reduction in vehicular emissions to meet the national ambient air quality standard
3. Road Safety Target – achieving Zero fatality through an uncompromising approach to reduction of fatalities amongst all road and transport users;
4. Safety and Accessibility – through safe, convenient, comfortable and barrier-free movement for all users
5. Equity – through equitable access to transport systems for all regardless of age, income, gender and by way of equitable allocation of road space for all modes focusing on moving people rather than moving motor vehicles;
6. Affordability – by providing range of mobility options for all users; and
7. Efficiency – in movement of people and goods.
8. Setting up dedicated funds to decongest Delhi

The ‘Prioritised Action Plan to Decongest Delhi’, a 4-pronged strategy, is recommended by the High Powered Committee chaired by Secretary, Urban Development (UD),

Government of India. Strategy One: Improving Public Transport and Disincentivising use of private vehicles. Strategy Two: Road Safety and Traffic Management. Strategy Three: Enhancing Institutional Capacity. Strategy Four: Transit Oriented Development.

### ***District Road Safety Council***

Under Section 215 of Motor Vehicle Act 1988, a State Govt. by notification in official gazette can constitute a District Road Safety Committee for each district. The States can constitute District Road Safety Committee under the Chairmanship of District Magistrates having representation from Officers dealing with Road Transport, Police (Traffic), Health, (Trauma care/rescue), Data collection and analysis, NGOs and other Road Safety Experts from the members. Under the aforesaid provision, Delhi Lt Governor has constituted District Road Safety Council in each revenue district.

**Table 16: Constitution of District Road Safety Council**

<b>S. No.</b>	<b>Department</b>	<b>Position</b>
1.	Deputy Commissioner and District Magistrate (Each District)	Chairman
2.	Deputy Commissioner of Police (District Concerned)	Member
3.	Deputy Commissioner of Traffic Police (District Concerned)	Member
4.	Superintending Engineer PWD (District Concerned)	Member
5.	Superintending Engineer MCD/NDMC (District Concerned)	Member
6.	Superintending Engineer DDA (District Concerned)	Member
7.	Additional CDMO ( Health Department of District Concerned)	Member
8.	Deputy Director (Education Department of District Concerned)	Member
9.	Motor Licensing Officer (Transport Department of District Concerned)	Member
10..	Additional District magistrate	Convener/ Member

The District Level Road Safety Committee will perform the following functions in the district:

- Identification of black spots on Delhi Roads and taking appropriate corrective actions
- Deployment of ambulances in required number.
- Development of trauma care facilities and blood banks
- Enforcement of traffic regulations
- Creations of wayside amenities
- Generate road safety awareness among the stakeholders and common road users
- Check the functioning of District Transport officers
- Dealing with any other matter related to road safety

### ***NDMC, MCD and PWD***

The New Delhi Municipal Council area comprises of the territory that has been described as Lutyen's Delhi and which has historically come to be regarded as the seat of central authority in Union of India.

It comprises of important buildings like *Rashtrapati Bhawan*, Parliament House, Supreme Court, North and South Blocks and buildings abutting Central Vista and also all



the diplomatic missions which function as territorial entities under the Sovereign Jurisdiction of their Flag States.

The Constitution of Council has been defined under chapter-2 of NDMC Act - 1994. The Council comprises the following members:

- A Chairperson, from amongst the officers, of the Central Government or the Government, of or above the rank of Joint Secretary to the Government of India to be appointed by the Central Government in consultation with the Chief Minister of Delhi
- Two members of Legislative Assembly of Delhi representing constituencies, which comprise wholly or partly the New Delhi area
- Five members from amongst the officers of the Central Government or the Government or their undertakings, to be nominated by the Central Government
- Four members to be nominated by the Central Government in consultation with the Chief Minister of Delhi to represent from amongst lawyers, doctors, chartered accountants, engineers, business and financial consultants, intellectuals, traders, labourers, social workers including social-scientists, artists, media persons, sports persons and any other class of persons as may be specified by the Central Government

The Member of Parliament, representing constituency, which comprises wholly or partly the New Delhi area, shall be a special invitee for the meetings of the Council but without a right to vote. Out of the 13 members referred to in Sub-Section (1), there shall be at least three members who are women and one member belonging to the Scheduled Castes. The Central Government shall nominate, in consultation with the Chief Minister of Delhi, a Vice-Chairperson from amongst the members specified in clauses (b) and (d) of Sub-Section (1). Section 4 (1,2&3) of the NDMC Act - 1994}. The Council unless sooner dissolved under section - 398 or any other law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer [Section 5(1) of the NDMC Act -1994].

The MCD is trifurcated into three zones SDMC, NDMC and EDMC. All these local bodies have elected heads and take their decisions independently.

### ***Public Works Department***

Public Works Department is an agency of the government engaged in planning, designing, construction and maintenance of Government assets in the field of environment and infrastructure development which includes roads, footpaths, flyovers, subways etc. Engineer in Chief followed by Chief Engineer heads the organisation. PWD being the lead road construction agency at state level, implements road safety provisions in and on roads during design, construction, and operation & maintenance stages. After Minister Chief Engineer (Roads) is the main decision maker and monitoring office regarding road safety and passes on the related decisions for implement and ask for progress of the same regularly.

### ***Traffic Police***

Delhi Traffic Police although under Central Government is an important wing of urban road safety and it established a Road Safety Cell in the year 1972 to generate awareness

among road user. It is an educational wing of the Delhi Traffic Police and its main function is to educate the road users about the proper and safe use of roads as well as to develop the human resources who are responsive to public and are technically competent. Government of NCT of Delhi is taking various initiatives such as construction of pedestrian lanes, foot over bridges at traffic intersections, conducting Road Safety campaigns at schools and college level, educating the general public about the road safety and other measures.

#### *Target Groups*

- Drivers of Commercial Vehicles including Blue Line Bus, Trucks etc.
- School Children
- Pedestrians
- Cyclists & Motor Cyclists
- Autorickshaw drivers
- Government vehicle drivers
- 

#### *Educational Programmes*

- Organising regular programmes for the entire target groups including School Children Road Safety March
- Organising street plays
- Organising painting/Quiz/Essay Competitions
- Distribution of Road Safety Literature

Besides, the Traffic Police is it also is accountable for ensuring the following functions:

- Collecting, maintain the road accident data and share the same with stakeholder departments, especially nodal departments for information and necessary action
- Coordinating with the key stakeholder departments related to road safety especially Transport Department, PWD/NHAI, Medical and Health, Education and UDH/LSG
- Participating in the meetings relate to Cabinet Sub Ministerial Committee on Road Safety, Road Safety Council, Road Safety Cell, State Traffic Management Committee and Traffic Control Board
- Identifying black spots on Roads and monitoring corrective measures taken
- Following Good Samaritan guidelines. Police plays role of helping the road accident victims to make them reach of the emergency care as well
- Maintaining traffic discipline on the road and introduces intelligent traffic management systems to control the same.
- Dealing with deals with road tribunals and judicial courts as well for concerned legal issues related to traffic violations and other issues
- Running flying squads to regulate and manage the traffic violations and issues
- Conducting accident investigation and research: As soon as the accident takes place, accident investigation expert shall visit the site and get the information of the accident from the information recorded by the police and shall verify the same
- Enforcing use of Road Safety Devices like Helmet, Seat Belt including seat belt in commercial vehicles, Set and enforce speed limits on roads including National Highways

- Penalising use of mobile phones by drivers, Penalise dangerously parked vehicles on highways, and other roads, remove encroachment from footpaths and roads
- Action against drunken driving or drug driving as per act and rules and using sophisticated breath analysers
- Maintaining all the database of all the Traffic Violations
- Modernisation of Traffic Management System in cities
- Strict checking of overloaded passenger vehicles
- Assisting and advice various agencies in coordinated development of infrastructure for smooth and safe flow of traffic
- Ensuring protection of the environment and take appropriate steps for prevention of noise and air pollution.
- Encouraging e-participation and involvement of public in traffic management

### *Organisational Structure*

Police Department being the lead enforcement department of the traffic rules and regulations and others, generates data related to enforcement, violations and road safety. Mostly at Police Stations this data is collected and internally reported to all concerned higher officials at district level, ADG (Traffic), DGP and home Minister Level. Laterally all road safety data and information generated at Police Department level are also shared with the nodal department and concerned departments to take appropriate actions and measures. The information or data is also shared with the national agencies and MoRTH as well on time to time as per demand and mandate. Under the initiative, the Delhi Police have identified 40 pubs and bars where footfall is more than two lakh visitors per month. In all of the identified pubs and bars, an LED screen will be installed that will display messages like 'Don't Drink and Drive'.

### **Medical Institutions**

Road traffic crashes are one of the major causes of disability, morbidity and mortality in India. It is estimated that about 1.24 million people die every year on the world's roads, and another 20 to 50 million sustain non-fatal injuries as a result of road traffic crashes. In India, 4,50,898 road accidents caused 1,41,526 deaths during 2014.

The Government was to soon start as per January 2017 news report its 'cashless treatment scheme' for accident victims on the major Delhi-Mumbai corridor. The scheme would provide free treatment for the first 48 hours at hospitals located nearest to the accident site by bringing down the response time. It would be implemented by the NHAI and would cost around ₹12 crore. The scheme was earlier implemented as a pilot project on three national highway stretches, including Gurgaon- and Mumbai-Vadodara stretches of NH-8 and Ranchi-Rargaon-Mahulia of NH 33 by the Ministry of Road, Transport and Highways, where victims did not have to pay for expenditure up to ₹30,000. According to sources, around ₹30 crore were disbursed under the scheme in the pilot projects.

Delhi Government has selected 230 hospitals for this initiative, which has more than 20 beds, intensive care units, and equipped to deal with emergency cases such as road accidents and burns. The scheme however, has just one condition-the accident should have taken place in the capital. While the Government will pay the bill for emergency aid, surgery and a two-week stay in the hospital, if the patient needs to stay for a longer

period, the regional director of health can assist the concerned person. For availing the benefit, which will be available in the next 2-3 days, the hospital will have to provide details of the accident within 12 hours of admitting them including the patient's documents.

- Health Minister himself being part of three members Cabinet Sub Committee on Road Safety is the supreme decision maker regarding road safety and takes policy decisions.
- Principal Secretary is the Administrative Head of the Department and takes all the executive and regulatory decisions regarding the road safety

The Delhi Cabinet has approved a Good Samaritan policy under which the government will provide ₹2,000 to any person extending help in taking a road accident victim to the hospital. In 2012, Save Life Foundation had filed a PIL, which led to an SC judgment in 2016. The judgment had issued a list of guidelines protecting Good Samaritans from legal hassles. A bench comprising justices VP Gopala Gowda and Arun Mishra directed the Centre to give wide publicity to the guidelines, which clearly stipulated that people who help victim of road accidents or other calamities would not be harassed in any way.

Refusing treatment to accident victims can prove costly for private hospitals and nursing homes in the city. The Delhi government has threatened to cancel registration of hospitals if they are turn away such victims.

### ***Judicial Institution***

Supreme Court the apex judicial institution in India from time to time in various important cases/public interest litigations (PILs) has given important judgments touching upon the issue of road safety The Supreme Court has approved the Centre's guidelines to protect Good Samaritans, who help road accident victims, from being unnecessarily harassed by police or any other authority. A bench comprising justices V Gopala Gowda and Arun Mishra asked the Central Government to give wide publicity to these guidelines so that people who help others in the time of distress are not victimised by any authority.

The Supreme Court's Road Safety Committee, set up to check lax implementation of road laws, gave the State governments time till June 30 to enforce 13 directions issued by it, including removal of roadside ads and posters which obstruct or distract drivers and a total ban on alcohol sale on national and state highways. The committee, headed by retired Supreme Court judge Justice K.S. Radhakrishnan, was formed on April 22, 2014 by the apex court on the basis of a PIL to measure and monitor the implementation of road safety laws in the country.

Delhi has traffic courts sitting in the following areas – Kirpa Narain Marg, Rohini, Parliament Street, Saket, Kapashera, Karkardooma. The Chief Metropolitan Magistrate is responsible for transfers of Metropolitan Magistrates and Municipal Magistrate for surveillance of the Traffic Courts. Special Metropolitan Magistrates deals with the cases of traffic *challans* and municipal *challans*.

Motor Accident Claims Tribunals deal with claims relating to loss of life/property and injury cases resulting from Motor Accidents. There are eleven Motor Accident Claims Tribunal (MACT) Courts in Tis Hazari apart from four Courts in Karkardooma Courts

Complex and three in Patiala House. The Claims are to be directly filed in the concerned Tribunal. MACT Courts are presided over by Judicial Officers from Delhi Higher Judicial Service. Now these Courts are under direct supervision of the High Court.

### ***Educational Institutions***

**Table 16: Structure and Functioning of Educational Institutions**

<b>S. No.</b>	<b>Structure/Roles</b>	<b>Current Provisions</b>
1.	<i>Administrative Structure</i>	<b>Department of Education</b> <ul style="list-style-type: none"> <li>• Providing access of education to all children and quality education to all students enrolled in our schools</li> <li>• Supporting education by providing books and financial assistance to all girls, meritorious and poor students</li> <li>• There governing board of Private Educational Institutions is the prime decision making body</li> </ul>
2.	<i>Decision making</i>	<ul style="list-style-type: none"> <li>• After Principal Secretary, there is Secretary, Special Director and Regional Directors of Education</li> <li>• In case of private institutions the same vest with the management of the institutions.</li> </ul>
3.	<i>Regulatory Roles and Responsibilities</i>	<ul style="list-style-type: none"> <li>• The Delhi Traffic Police has asked the Education department to make road safety programme part of school curriculum. It has written to the Department to issue a direction to all the Delhi Schools to impart lesson in road safety to their students compulsorily</li> <li>• Citing the increasing cases of under-age driving in Delhi and lack of road safety awareness among the students, the Delhi Traffic Police has urged the Education Department to depute a Road Safety Coordinator in each school in the Capital</li> <li>• Improvement and inclusion of road safety lessons in teacher training</li> </ul>
4.	<i>Focus area/areas of expertise regarding five risk factors</i>	<ul style="list-style-type: none"> <li>• Road Safety Club was formally launched in January 2010 an initiative of Delhi Traffic Police</li> <li>• The motto behind formation of Road Safety Club is to actively engage schools and to ensure their participation in various road safety activities</li> </ul>

### **Institutional Flexibility and Obligations of States to Implement National Laws**

The States have the power to frame the Rules by the Rule making process. Delhi has Delhi Motor Vehicle Rules, 1993 No. F.2(1)/93-Law, dated Delhi, the 21st June, 1993- In exercise of the powers conferred by sections 28,38,65,95,96,101,111,138,176,211 and 213 read with clause (41) of section 2 of the Motor Vehicles Act, 1988 (Act No. 59 of 1988), the Lieutenant Governor of the National Capital Territory of Delhi is pleased to

make the rules after previous publication and taking into consideration the objections and suggestions that have been received in respect thereto.

## Conclusion

India is signatory to Brasilia Declaration and is committed to reduce road accidents and fatalities by 2020. Road safety forms an integral part of road engineering, traffic management, vehicle regulation, environment protection as well as the laws that govern these areas. While road and traffic engineering should be the responsibility of the municipal and highway authorities, traffic control, traffic enforcement and accident investigation should be the responsibility of the police; responsibility for post- accident management should rest with the police and health authorities jointly. Responsibility of the Transport Department should not be limited to driver and vehicle regulation and licensing, but should also include the overall coordination of road safety management including regularly updating the legislation. Education and promoting awareness should be the combined responsibility of all stakeholders including the automobile and insurance industries, other members of the civil society, as well as the police and transport departments.

Presently, the responsibility for road safety management is done by multiple organisation in Delhi region based upon the fact whether the same is urban road or national highways. There are nodal Government Departments/Minsitries and under it various implementation organisations and Advisory Councils. Road safety is integral part of all such institutions, directly or indirectly. The role of the central ministry is restricted to national highways while the Delhi Government looks into the Urban roads. Coordinating Ministry/Department for concerned area along with implementation bodies assists each of the two nodal ministries and department. Delhi Traffic Police is the most important wing when it comes to road safety. The awareness task is being executed by each of one of them in their own domain which in sync together caters to the road safety in Delhi region.



## 8. Institutional Assessment of Road Safety in Puducherry

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### Background

The Union Territory of Puducherry consists of four geographically separate areas – the districts of Puducherry and Karaikal, and the administrative units of Yanam on the East coast and Mahe on the West coast. The UT is spread over an area of 479 s. km with a population of 12,44,464 (2011 census). The UT has 9.2 lakh registered motor vehicles (as of March 2016) with a large percentage of the vehicles and people located in Puducherry district.

in 2015, according to MoRTH, Puducherry registered 1530 road traffic incidents resulting in 235 fatalities and 1552 injuries. In terms of road traffic incident severity (number of fatalities per 100 road traffic incidents), Puducherry (15.4) is the sixth lowest in the country. When compared with other UTs, Puducherry fares reasonably well in road traffic incident severity, coming in third after Dadra and Nagarhaveli (60.9) and Daman & Diu (60). Lakshadweep is the lowest-scoring a 0, followed by the Andaman & Nicobar Islands with 8.9.

### Road Safety Action Plan

The Road Safety Policy and Action Plan 2015 was drafted in pursuance of the directives of the Supreme Court and MoRTH. It takes notes of the grim road safety scenario in the country and the goal of reducing fatalities by 50 percent (from 2015 levels) by 2020 as set by the Brasilia Declaration, which India is a signatory. The Policy also notes that Puducherry has the highest rate of fatalities per lakh population according to NCRB data.

The Policy follows the National Road Safety Policy in terms of the **6Es –Education, Enforcement, Engineering** (infrastructure), **Engineering** (safer vehicles), **Emergency** care, and **Enactment** of legislation and strengthening of institutional mechanism. It envisions an accident-free Puducherry with safe mobility for all. With this vision in mind, the Policy outlines its goals: to reduce the occurrence and severity of road crashes, fatalities and injuries professionally; reduce crashes by at least 50 percent by 2020 and maintain zero growth beyond 2020; improve road users safety and behaviour; and periodically evaluate the goals and revisit the same with enhanced field knowledge.

In terms of emergency care, the Policy mentions developing a framework for Emergency Medical Services, with the framework providing the guidelines and protocols for ambulances, emergency departments, trauma centres, dispatch centres, etc. The Policy also sees the emergency services ensuring medical care within 30 minutes of the emergency. It also calls for periodic audits of the system.

Noting the presence of the Road Safety Cell within the lead department (Transport), the Policy highlights the need to strengthen the Cell by ensuring adequate funds for its functioning. Towards this, the Policy creates the Road Safety Fund and allots the



compounding fees from traffic violations for the Fund as per the Road Safety Fund Rules. The Rules also allow for other budgetary provisions to be made. The Cell is charged with conducting capacity building workshops for officials from other line departments and creating a data collection/reporting and management system.

The Policy also talks of having regular Road Safety audits, ensuring roads are evaluated regularly and adequate space is given to all road users. The Policy calls for ensuring the safety of non-motorised transport, improving and prioritising public transit systems. All action plans, the Policy notes, should be in keeping with the Comprehensive Mobility Plan (CMP).

Line Departments are to prepare action plans based on the policy and implement the same in coordination with the lead agency i.e. the Transport Department. Progress on the action plans prepared by the line departments is to be monitored by district/regional/high level Road Safety Committees and the road safety council. The Policy itself is to be reviewed every three years and goals reset accordingly.

### ***Comprehensive Mobility Plan***

The Comprehensive Mobility Plan 2015 for Puducherry was developed by the Delhi Integrated Multi-Modal Transit System, a joint venture of the Delhi government and IDFC Foundation. CMP is an integrated document developed along with the other departments. Currently, the Town & Country Planning department is looking at integrating the CMP with their plan documents. The CMP's vision is to develop Puducherry as a healthy, liveable city with an accessible, affordable, environment-friendly transport system. It looks to develop integrated public transport, identifying routes for rail-based transit, buses, e-rickshaws, rationalising routes and transit timings to ensure a seamless travel experience. The CMP also looks to better manage and control long distance goods carriers within the urban areas of Puducherry, and improve street design to ensure better pedestrian and NMT facilities.

It refers to the National Urban Transport Policy and the Working Group on Urban Transport for the 12<sup>th</sup> 5-Year Plan that recommends setting up of a dedicated authority for urban transport. To this end, the CMP calls for a Unified Metropolitan Authority for Puducherry to coordinate between agencies, identify schemes to be implemented, strategies to be adopted, ensure finances are in place, etc. The Authority would have representation from the various Line Departments, such as Transport, Police, LAD, Finance, Housing and Environment, as well as Transport Corporations (PRTC) and two experts in transport planning nominated by the Government. This would be for all of Puducherry. The city-level Authority would have the Transport Secretary, Transport Commissioner, Director, Local Administration Department (LAD), Chief Town Planner, representatives of other departments such as police, ports, science, technology & environment, and PWD.

The CMP also calls for a road safety cell to be set up in the nodal agency (i.e. Transport) to implement the road safety policy. The CMP proposes a budget of ₹5231 crore across 4 phases (excluding land acquisition costs) for implementation of all the plans outlined. The CMP also calls for a dedicated transport fund and identifies potential sources of funding from the Centre, State, and multi-lateral funding agencies for various components of the CMP.

The CMP notes that two stakeholder meetings were held at the inception and draft report stages during which feedback was gathered. However the CMP does not indicate who these stakeholders were and whether the public were invited and what measures were taken to ensure this was an inclusive process and that stakeholders had all the relevant information beforehand. Media reports indicated that the Transport Department, at the start of the CMP process in 2014 had called for public inputs on improving traffic management and transportation systems in the Union Territory. Besides, there is a 5-year planning strategy, with an annual reassessment of plans.

### ***Transport Policy***

The draft Transport Policy echoes the CMP and the Road Safety Policy in highlighting the environmental and social aspects of promoting public transport, noting the need for better integration, scheduling, and accessibility of such public transport. The policy also discusses the need to ensure that transport systems are safe and minimise road traffic crashes, the need to have equitable allocation of road space.

The Transport Policy notes that land acquisition is a major stumbling block in transport-related projects and therefore the government of Puducherry must develop long-term master plans for transport networks that would identify and acquire the required Right of Way in advance and also freeze construction activities along such road alignments that are selected for improvement. It moots having flyovers/underpasses etc. if sufficient land is unavailable, and raises the need for strategies to ensure road space is not used for parking. It suggests that building permits be issued only if adequate parking facilities are allocated within the premises; for existing buildings with inadequate parking space parking facilities off-street should be constructed and costs recovered from the building owners, multi-storied parking facilities be developed at important locations, and the levy on public parking be raised substantially to reflect the true value of land occupied and to encourage a shift from private to public transport.

The policy talks of streamlining goods transport in the Union Territory, installation of speed governors in such vehicles for improved road safety as well smooth movement of traffic. It notes that driving licensing and vehicle inspection systems needs to be made more transparent by incorporating IT-based systems and that the Transport Department needs to shift focus from revenue collection and licence issuance to better transport regulation.

In the section on road safety, it calls for the Road Safety Cell in the Transport Department to be strengthened; for highway safety audits to be conducted; for better infrastructure to carry out accident investigations; and for identification of black spots and their correction. It also highlights effective enforcement of the road rules through IT based systems and establishing post-accident trauma care facilities every 5-10 km on the highways.

The policy suggests establishment of an independent, semi-judicial body to monitor finances for the sector as a whole and to create mechanisms for regular restructuring of fares and freight rates. Underlining the need for an integrated transport authority with representation from all major stakeholders, the policy notes that such an authority

would conduct scientific studies as needed, assess demand, contract services, monitor performance and manage the transport system.

Private investment in transport via SPVs is seen as something to be encouraged as public funding sources are limited. The policy suggests that incentives might be provided by the Government to attract such private investment.

## **Institutional Framework**

### ***Transport Department***

The Transport Department is the policy making body with regards to transport and road safety for Puducherry. Within the framework of the Motor Vehicles Act 1988 and the concomitant Rules, and the Pondicherry Motor Vehicles Taxation Act 1967 and its Rules, the Transport Department decides on policies regarding licensing, permits, vehicle registration and fixing norms for various types of transport vehicles.

The Transport Department is the lead agency in framing the Road Safety Policy and Action Plan for Puducherry as stated in G.O M.S No. 27 dated 28.12.15, in consultation with the Police Department (Traffic Cell), Health, PWD, and other stakeholders.

The Transport Department is headed by the Transport Commissioner who reports to the Transport Secretary. The Regional Transport Officers (RTOs) who handle the licences, permits and vehicle fitness certification are overseen by the Transport Commissioner. Policy documents are framed by the Transport Commissioner with inputs from the Joint Transport Commissioners, Deputy Transport Commissioners, and RTOs as well as other stakeholders (other Government Departments, transit corporations, etc.). Drafting of the Transport Policy for example, involved three to four meetings/consultations with stakeholders. The documents are then placed before the Transport Secretary and then to the Transport Minister. All draft policies are finally vetted and cleared by the Legislative Assembly. The draft Transport Policy is currently awaiting clearance from the Legislative Assembly.

The Transport Policy that has been drafted is the first such policy for Puducherry. There is a timeframe for framing and approving a policy. In the case of the Transport Policy, the policy was developed within six months as the Chief Minister announced in the Legislative Assembly that within that time period, Puducherry would have a transport policy.

There is no stipulated frequency for policy reform, nor is there a process to periodically assess the need for a new policy or a change in existing policy. The Transport Secretary believes that policy reform should be taken up, at minimum, once in 10 years. Policies may arise due to political influence or from directives issued by the Central Government or the Supreme Court. The Road Safety Policy and Action Plan, for example, were developed as a result of Supreme Court directives that all states must have such a policy. In 2014, the Supreme Court had set up a Road Safety Committee that had issued 13 Directives to the states that were to be met by June 2015. These included the formulation of State Road Safety Policies and the formation of State Road Safety Councils.

### ***Road Safety Council***

The State Road Safety Council is a policy advisory body constituted by GO. Ms. No. 7/2007-TD dated 10.03.2008. The Council is mandated to advise the state government on all matters pertaining to planning and coordination of policies, practices and standards of safety in the road transport sector; to formulate and recommend road safety programs to the Government for implementation by the Road Safety Organisation and other state agencies in charge of road transport; suggest areas of research and development to improve safety aspects in the road transport sector including maintenance of statistics of road accidents and their analysis, and to generally oversee and monitor through the road safety cell, the road safety measures undertaken by the road safety organisations and other state agencies.

The Road Safety Council, as per G.O. Ms. No.7/2007-TD dated March 10, 2008, has as its Chair, the Chief Minister; members are the Transport Minister, Local Administration Minister, Chief Secretary, Secretary PWD, Secretary LAD, Secretary Transport, IGP, SP (Traffic), SE Electricity Department, CE PWD, Director LAD, and MD PRTC; non official members – bus owners association, goods carriages owners association, contract carriage owners association, auto rickshaws owners association, Vikram three-wheeler owners association, Bijilli three-wheelers owners association, President of Voice of Consumer, two NGOs, three prominent persons from the general public nominated by Government; and the Secretary being the Transport Commissioner. G.O.Ms.No. 73/Tr.Sectt./2014 dated September 16, 2014 – the Council was reconstituted with some changes to its composition. The Minister of Transport is designated as Vice-Chair, new members have been included. These are Secretary Town Planning; DGP or IGP (earlier it was only the IGP), Chief Town Planner; and three Road Safety experts nominated by the government. Several members have been dropped – SE Electricity Department; Vikram and Bijilli Owners Association, the Voice of Consumer Organisation; NGOs; and prominent citizens.

The Road Safety Council has no fixed tenure except for non-official members who have two year tenure. The Council was constituted in 2008 and then reconstituted in 2014. The procedure and manner of functioning of the Road Safety Council is not defined by any GO or directive; the Council may define its procedure and method of functioning. Discussions with officials in the Council indicated that the Council's meetings are recorded but the minutes are not made public. While the Council is supposed to meet at least once in six months, the 2014 report by the Comptroller and Auditor General of India (CAG) noted that the Council was formed in March 2008 and between 2008-09 and 2013-14, the Council did not hold a single meeting. Yet the state government went on to reconstitute the Council in November 2014.

### ***Public Works Department***

Road infrastructure construction and maintenance is the purview of the Public Works Department (PWD) and the LAD in Puducherry. The PWD handles the planning, design, construction and maintenance of public infrastructure - buildings, roads, bridges, national highways, irrigation, flood control, water supply, and public health. The Department is also tasked with maintaining water supply, sewerage, and management of water resources. The PWD has an Executive Engineer (Planning) who is tasked with obtaining administrative approval and expenditure sanction, technical approval of projects of other government agencies and undertakings.

In terms of roads, the PWD handles the major thoroughfares in urban areas, rural roads, and highways (there are no state highways in PY only NH). The other urban roads are handled by the municipality and the commune panchayats i.e. Local Administration Department (LAD). However, the Department does not have any infrastructure regarding road safety.

### ***Transport Department***

The Transport Department, in addition to its policy making roles, is, through the RTO, the agency that issues licences, permits, and vehicle fitness certificates. As the nodal agency for transport and road safety, the department works with police on the enforcement.

The Transport Department is headed by the Transport Commissioner. The Regional Transport Officers (who head the Regional Transport Offices) report to the Transport Commissioner. In Puducherry, there are Assistant Motor Vehicle Inspectors and Motor Vehicle Inspectors who report to the RTO. The same structure applies to Karaikal, Mahe, Yanam except that in Karaikal, the RTO reports to the Collector and in Mahe and Yanam the Motor Vehicle Inspectors report to the Regional Administrative Officer (from the Local Administration Department). This is because the Transport Commissioner is based in Puducherry and there are no RTOs for Mahe and Yanam while Karaikal has one. So the duties of the Transport Commissioner (for Karaikal) and the duties of the RTO (for Mahe and Yanam) are handled by the revenue department head (Collector) and the LAD respectively.

In addition to the mandate of issuing licences, permits, etc, the RTOs conduct road safety classes every Friday. They use around 150 volunteers from schools to encourage road safety awareness. They also take this programme to educational institutions. However, this is not listed in their work meaning that there is no formal system for it although the Road Safety Policy and Action Plan mentions line departments conducting public awareness programs to change road user behaviour.

The Transport Department Manual considers arrangements for consultation to be 'not applicable' i.e. public consultations are not required. The Department plans to introduce public consultations for subjects such as change in auto fares and bus fares. The public were consulted 3 or 4 times prior to the draft. The Transport Commissioner also confirmed that the transport department does involve the public in creating policies.

Public interface is focussed on the process of issuing driving licences and registration of vehicles. This forms the bulk of the RTO's interaction with the public. In addition, the RTOs have begun Road Safety Programmes during the National Road Safety Week (in January). This mostly consists of organising a talk in educational institutes or through non-profit groups or unions. Each department has officers who are designed PROs and this information is available on the department website. The RTO also mentioned that it is common for citizens to call the RTO or other civil servants on the mobile, whenever they wish, to give feedback. However, this is not a formal grievance redressal system. There is online access to some limited information in the form of Citizens' Charter and RTI Manual. However, there is no publically available information on strategies, plans, budgets, annual reports, operational guidelines, etc.

As a member of the Road Safety Council, and as the nodal agency for road safety, the Transport Department perforce must coordinate with other agencies such as health, police, and PWD. While plans and strategy documents are shared among agencies, data collected on the ambulance trips, kinds of crashes attended, etc., are not shared among the departments making analysis of post-crash response systems difficult. The general assumption is that Puducherry being a small place, the service is adequate and there is no real problem in ensuring effective medical service reaches everyone quickly and efficiently. The Transport Commissioner states that the issues they have internally are based around the administration of the Transport Department. The Commissioner believes that the administration is sluggish, and this is contributing to negative functioning within the Department.

The RTI Manual of the Transport Department, under the head 'Particulars of any arrangement that exists for consultation' notes that it is NA (not applicable). Since there is no requirement for public engagement, the process, if any, depends on the bureaucrats. For general information, such as on services provided by the Transport Department, a citizen might approach the Transport Department front desk; read the Citizen's Charter; approach the Deputy Transport Commissioners in Puducherry or the RTO in Karaikal or the Motor Vehicles Inspector in Mahe and Yanam who are the designated PROs.

### ***Health Department***

The Health Department is in charge of post-crash emergency response. Under the centrally-sponsored National Health Mission (NHM), the State Health Mission runs a free ambulance service. Since NHM does not have a road crash medical response programme, the ambulance system is organised under the reproductive health programme.

Each ambulance of the 108 service has drivers on 6 hour shifts and the first shift of the day also has a medical technician. Other than the basic first aid course that ambulance drivers undergo for their driving licence, there is no skill enhancement mechanism. The basic criterion for hiring the medical technician is that they have successfully completed the one year medical technician course at JIPMER.

The Health department does not have any policy regarding emergency response systems in terms of road safety. The Road Safety Policy notes the need for a framework for the Emergency Response System. However, there has been no move towards formulating this framework. The emergency response system falls within the National Health Mission (NHM) of the Ministry of Health and Family Welfare (MOHFW). The SHM does not have any specific strategy or planning mechanism for the 108 system. Annually, states have to submit a Project Implementation Plan (PIP) for each project they wish to receive funds for from NHM. In terms of 108 services, no information is available on the health department website but the Project Implementation Plans are available on the NHM website. The State Health Mission does not have a website; a failure that was noted in the review of the PIP by NHM.



The Health department has no requirement for public engagement. The general public can call 108 to complain or give details by directly visiting the Health Department or sending us a letter.

## **Regulatory Framework**

### ***Mandate of the Regulatory Authority***

Section 68 of the Central Motor Vehicles Act, 1988 empowers the State Government to create a State Transport Authority (STA) to issue directions and orders in respect to any matter related to road transport and also constitute Regional Transport Authority (RTA) to exercise the same in specified regions. STA has very limited scope in making a decision and if a time as such arises, the decisions are made only by the State Government which means the Transport Secretary and the Transport Minister.

The STA lies within the Transport Department. It is chaired by the Chief Secretary, with Secretary (Transport) and Superintendent of Police (Traffic) as members along with one non-official member. The Transport Commissioner is the Secretary of the STA and the Deputy Transport Commissioner and an RTO are the Assistant Secretaries. GO. Ms. No. 01.2015.Sectt. dated January 07, 2015, amends the powers of the STA. The GO delegates powers relating to permits for certain vehicle to Collectors and Regional Administrators for Karaikal, Mahe and Yanam, who are designated as Special Secretary, Deputy Secretaries and Assistant Secretaries. GO Ms. No. 12/Tr.Sectt/2016 dated October 17, 2016, reconstitutes the STA with Transport Secretary as Chair, Transport Commissioner as Secretary, SSP (Traffic) and Director, Central Institute of Road Transport, Pune as members and one non-official member. The tenure of the non-official member is two years.

### ***Performance of the Regulator***

There is no requirement for performance reporting. Nor are there any requirements by the statutes for the STA or RTA to create annual plans. In practice, the department creates broad areas of work with their undertakings, which they will concentrate on for the next one year but they are not necessarily converted into actionable points with timelines.

Staffing across departments is governed by the Puducherry Public Service Commission norms. These set the minimum requirements for each grade of civil servants. There is no performance-based evaluation of the staff. Promotions are based on seniority. Tenure, too, is not linked to performance; tenure for most of the staff ends with superannuation. Senior bureaucrats, however, typically serve three years in a post before getting transferred.

### ***Public Participation***

Though all respondents stated that public consultations are not mandatory, GO Ms No. 3/2012/A2/ARW mandates 13 departments to conduct open house discussions once every six months. Among the 13 departments mandated are the Transport, Police, Public Works, Local Administration, and Town and Country Planning departments, all of which have implications for road safety.

The Transport Policy and the Road Safety Policy were drafted in consultation with the Police (Traffic Cell), PWD, Health, and Town and Country Planning departments. In



addition other stakeholders were consulted such as the truckers association and the goods transport association. However, public participation is limited to posting the draft policy on the department website for public comments. There is no clarity on whether this is widely advertised to ensure that citizens are aware of the opportunity. The draft policies are also not circulated in the vernacular language, nor are consultations held with the public.

Public participation in policy making or project planning etc) is seen as non-essential, is at the discretion of the government, and seems to be limited to passively receiving information on specified subjects such as licensing procedures. Officials consider public participation to be limited to workshops/training programmes that the government agencies may conduct. The Transport Secretary, however, believes they are useful and can reduce conflicts. There are PROs designated within each department to interact with the public. However, there is no formal grievance redressal system. However, since the contact information for officers are available on the department websites, citizens often call the concerned officer directly.

## Conclusion

Analysing road incident data across nations and over time, a pattern emerges of a rise in road accidents with increasing income. This can be attributed to a rapid rise in the number of motor vehicles. With time and even higher levels of income, come better road systems and enforcement of safer practices and lower mortality rates. India is considered to be an emerging superpower and expanding at a significant pace, has become victim to this unfortunate trend. India loses a life every four minutes to a road accident, and 10 per cent of all road accident deaths take place on Indian roads. The Motor Vehicles (Amendment) Bill 2017 is an acknowledgement of the gravity of road safety issues and the lives being lost to it.

Considering that road accidents have reached alarming levels in India, it is important that action is taken as a matter of urgency to improve road safety. Road safety outcomes require commitment and cooperation among multiple agencies via strong institutional and legislative frameworks. Such a framework would include aspects of policies, planning, standards, budgets, execution and regulation to ensure good built road environments, law enforcement, education and emergency response. The aim of this report is to present a concise review of the legislative, institutional and regulatory frameworks in Tamil Nadu and Puducherry, including practical recommendations to strengthen future efforts to improve road safety. Our assessment has six categories and multiple indicators in order to gain specific insights into the current issues and gaps of road safety.

We find that Puducherry also has strong legislative and institutional frameworks for road safety. Despite the strong institutional and legislative frameworks, it is evident from the road fatalities in the state that the regulatory framework necessary for enforcement is weak but there is a huge scope for improving the existing situation related to road safety.

The mandate of each department related to road safety is laid out and mechanisms for sharing of information and strategic planning are in place. Recently, policies supporting

greater coordination and integration of work across departments have also been developed.

The Policies (Transport, CMP, Road Safety) are awaiting clearance or have just been cleared and these being the first of their kind for Puducherry, planning mechanisms have not yet been set in place. The CMP, for example, has been shared with the planning department to integrate in their plan documents such as areas where rapid transit can be introduced, or where parking lots are required, or where non-motorised zones can be introduced.

However, there is a huge scope for improvement in the regulatory framework for road safety, which can be further enhanced in the following ways:

- The systems for capturing data regarding licenses and vehicle registration are in place. However, the sustained data collection and analysis regarding road safety outcomes needs to be strengthened. Actions should be based on the evidence and analysis
- There is a lack of accountability in road design, construction and maintenance. The Departments also lack a robust monitoring system to track project execution and post-execution outcomes
- There has been little public participation in the drafting of the Road Safety Policy. The Transport Department regularly conducts road safety awareness programmes in local schools. This effort could be strengthened by hosting Open House Sessions and instituting mechanisms for citizen participation in achieving road safety outcomes
- There is inadequate information in the public domain. Though the road safety policy was available online, there was no data on road safety milestones or outcomes
- There appear to be no rules to manage conflicting interests, nor was such a need articulated. However, a Policy should be in place for recognising and managing conflicts of interest between different road users, public and private service providers.



## **Part B**

# **Legislative Assessment**



## 9. Legislative Assessment of Road Safety in Rajasthan

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### Legislative Background

#### ***Road Safety and Rajasthan Rules of Business***

In the state of Rajasthan, in exercise of powers conferred by clause (2) and (3) of article 160 of the Constitution of India and in supersession of all previous rules made in this behalf, Governor of Rajasthan has made Rajasthan Rules of Business (RRB). As per the RRB (with amendment till June 30, 2011), Transport Department is the lead and nodal agency for road safety and traffic management.

#### ***Outline of the State and Central Laws Rules/Regulations Applicable in Rajasthan***

1. Rajasthan Motor Vehicle Rules, 1990: In exercise of the powers conferred by Sections 8(3), 28, 38, 65, 95, 96, 107, 111, 138, 146, 176, 201, 211 and 213 of the Central Motor Vehicles Act, 1988 the State Government made rules.
2. The Motor Vehicles (Rajasthan Amendment) Act, 1992
3. Aggregator Scheme, 2016 (Draft Notification)- In exercise of powers conferred by sections 93, 95, 96 read with 211 of MVA, 1988, the State Government published rules required by sub-section(1) of section 212 of the said Act.
4. Directives given by the SC committee which was formed on April 22, 2014 on the basis of a Public Interest Litigation to measure and monitor the implementation of road safety laws in the country. The committee has given its recommendations.

### Rulemaking Process in Rajasthan

#### ***State Law Making Process***

In Rajasthan, the main law making body is Rajasthan Legislative Assembly at the State level. The process of law making, in relation to Rajasthan Legislative Assembly, may be defined as the process by which a legislative proposal brought before it, and then is translated into the state law after due assent of the Governor of Rajasthan.

To understand the law or rule making process of Rajasthan, it has been divided into three broad categories: pre-legislative, legislative and post-legislative. The pre-legislative category includes all the processes till the rules reaches up to State Assembly. The legislative phase includes all the proceedings at the State Assembly level and post-legislative includes all the processes after laying down of rules in the State Assembly.

Pre-legislative phase comprises identification of need for a new law or an amendment to an existing legislation, drafting of the proposed law, seeking inputs/comments from different ministries and the public, revision of the draft bill to incorporate such inputs, and getting the same vetted by the State Law Department and finally presented to the State Cabinet for approval by the concerned Minister. The State Transport Minister is responsible for Motor Vehicles and Road Safety Act and Rules.

The Central Government introduced a policy on pre-legislative consultation which has to be followed by every Ministry before submitting a legislative proposal (including subordinate legislation) to the Cabinet. The policy mandates that a draft Bill should be placed in the public domain for 30 days. It is to include a justification for its introduction, financial implications, estimated impact assessment and an explanatory note for key legal provisions. A summary of comments received is to be made available on the relevant Ministry's website. The draft Bill is then sent for Cabinet approval. The Government of Rajasthan also follows the same policy on pre-legislation consultation and has setup the process of law and rulemaking accordingly.

In addition, the Transport Department also requires including a brief summary of the feedback received from stakeholders (including government departments and the public) along with its response in the note for the Cabinet along with the draft legislation. The Transport Department places the summary of the pre-legislative process before the department-related Legislative Assembly Standing Committee when the proposed legislation is placed before the State Legislative Assembly.

After the Cabinet approves the Bill, it is introduced in the Legislative Assembly. On introduction of the Bill, the Transport Minister may send notice demonstrating the intention that the Bill may be moved, considered and passed; be referred to the Select Committee/Joint Committee of the Assembly or for eliciting public opinion. Once the Bill is taken for consideration, perusal must be made on clause-to-clause basis and the same may be accepted, amended or rejected. Subsequently, the House votes on the Bill with amendments, if any. If the Bill is passed in State Assembly, a copy of the Bill is sent to Legislative Department of Ministry of Law and Justice for scrutiny.

Post scrutiny by the Ministry of Law and Justice, it is presented to the Governor of Rajasthan for assent. The Governor has the right to seek information and clarification about the Bill, and may also return it to the State legislative Assembly for reconsideration. After the Governor gives his assent, the Bill is notified as a State Act. Subsequently, the Bill is brought into force, and rules and regulations to implement the Act are framed by the Transport Ministry. The post-legislative process include the awareness generation of the act or rules, putting up enforcement mechanism as per the new act or rules and ensure compliance of the same on the ground effectively and efficiently.

### ***State Rule making Process***

For state rulemaking, at first Transport Minister gives his approval for issuing an administrative sanction to be issued by Transport Commissioner for starting the rule making process in respect of any new state/central Act. This administrative approval contains detail about scope of the rule making and other key relevant details.

Soon after this administrative approval, Transport Commissioner calls up a meeting of core group which includes Additional Transport Commissioner (Rules), District Transport Officer (Rules) at headquarters, Additional District Transport Officer (Rules) and related other officials under above mentioned officials and chalks out the game plan of the rule making. All these members discuss in detail about the process of rule-making and deciding the text of various sections of rules and look out to the other states whether any other state is having any such rules in place in advance so that same rules



with additions or deletions as per local needs can be taken for consideration otherwise all the rules are framed afresh taking help of the available human resource and related literature. Sometimes, legal experts are also hired while drafting the text of rules making process.

The Transport Department also takes all required financial approvals from the Finance Department to move forward. This financial sanction is must for ensuring financial provisions to be kept for the upcoming regulatory provisions and its requirements in the state and its effective enforcement on the ground.

After receiving a copy of draft rules from the Transport Department, the state Law Department, starts work on the given draft and legally examines the same and provides their comments/ suggestions. The Law Department legally vets the given draft and sends back to the Transport Department for consideration.

After receiving the revised draft sent by the Law Department to the Transport Department, the Transport Department discusses and incorporates suggestions and publishes finalised rules in the gazette for public comments. The duration of the public comments is again decided by the Transport Commissioner. The Transport Department takes into consideration the valuable comments/suggestions from key stakeholders and makes necessary changes in the draft rules and again sends to the Transport Minister for approval.

After this process, the revised set of rules again goes to the Law Department for their final vetting and comes back to the Transport Department. Now Transport Department presents the finalised rules to the Transport Minister for final perusal and Cabinet approval. The Minister himself puts the finalised rules before state Cabinet and takes its approval including the Chief Minister of Rajasthan. Soon after the Cabinet approval, the gazette notification of the same is issued and amended rules come into force.

The Transport Minister lays the revised rules in the next upcoming State Assembly whenever it is convened. This is to be noted that all amendments in rules which are done after the last assembly session need to be laid in the State Assembly for passage of the same. This whole rule making process is although time-bound and especially for new rule making the given time period is six months which can be further extended up to another six months mentioning a written valid reason. The rule making process starts after the bill becomes an act and it is on the top priority of the Transport Department till the rules are notified in the state gazette.

## Rule-making Powers of Rajasthan as per Motor Vehicles Act, 1988 and Motor Vehicles (Amendment) Bill, 2017

S. No	Section (MVA, 1988/MVAB, 2017)	Central Motor Vehicle Rules (Power of Central Government)	State Motor Vehicle Rules (Power of State Government)
1.	<b>Section 27, MVAB 2017</b>	<p>The Central Government may make rules regarding:</p> <p>Section 3(2)-Necessity of Driving licence</p> <p>Section 8(2), (3), (5),(6) -Grant of learners' licence</p> <p>Section 9(2),(3) -Grant of Driving licence</p> <p>Section 10(1)-Format and Contents of Driving Licence</p> <p>Section 11(2)- Additions to driving license.</p> <p>Section 12(6)-Licencing and regulation of schools or establishment for imparting instruction in driving of motor vehicles</p> <p>Section 14(2) - Currency to licences to drive motor vehicles</p> <p>Section 15(1), (2), (3), (4)- Renewal of driving license</p> <p>Section 18(1) - Driving licence belonging to Central government</p> <p>Section 19(1), (1A), (2B)-Power of licencing authority to disqualify from holding license or revoke such license</p> <p>Section 24(2)-Endorsement</p> <p>Section 25(A)-National Register of Driving Licences</p> <p>Section 26(1)-Maintenance of Registers of driving licences</p> <p>Chapter 2- Licencing of driver of motor Vehicles</p>	
2.	<b>Section 28, MVA 1988</b>		<p>Power of State government to make rules: Appointment, jurisdiction and control and functions of licensing authority and other prescribed authority; conduct and hearing of appeals made under this chapter and fee to be paid; issue of duplicate licence; badges and uniforms to be worn by drivers of transport vehicles; fee payable under Section 8(3); exemption of persons; communication between different licensing authorities; duties, function and conduct of persons to whom licence are issued;</p> <p>Exemption of drivers of road-rollers; manner in which registers are maintained under section 26; any other matter prescribed.</p> <p>Chapter 2- Licencing of Driver of motor vehicles</p>

S. No	Section (MVA, 1988/MVAB, 2017)	Central Motor Vehicle Rules (Power of Central Government)	State Motor Vehicle Rules (Power of State Government)
3.	<b>Section 38, MVA 1988</b>		<p>(1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter</p> <p>(2) rules for appointment; conditions for exemption from Section 29(1); education qualification of conductors; duties and functions; format and contents of form of application; issue of duplicate licenses; conduct and hearing of appeals and fee to be paid, badges and uniforms; grant of certificate under Section 30(3) and contents of certificate; communication of particulars of license from one authority to another; any other prescribed matter</p> <p>Chapter 3-Licencing of conductors of stage carriages</p>
4.	<b>Section 64, MVAB 2017</b>	<p>Power to make rules under Section 41(1),(3),(5),(6),(7),(8),(10),(14)- Registration, how to be made.</p> <p>Section 43- Temporary Registration</p> <p>Section 44(1) - Production of vehicles at the time of registration.</p> <p>Section 47(1)- Assignment of new registration mark on removal of to another State</p> <p>Section 48(1)- no Objection certificate</p> <p>Section 49(1),(1A) - Change of Residence or place of business</p> <p>Section 50(1), (2) - Transfer of ownership</p> <p>Section 51(2), (3) - special provisions regarding motor vehicle subject to hire purchase agreement etc.</p> <p>Section 52(1),(2)-Alteration motor vehicle</p> <p>Section 56(1), (6),(7) - Certificate of fitness of transport vehicles.</p> <p>And other rules for fees to be charged for the issue or renewal or alteration of certificates of registration, for making an entry regarding transfer of ownership on a certificate of registration, for making or cancelling an endorsement in respect of agreement of hire-purchase or lease or hypothecation on a certificate of registration, for certificate of fitness for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fees</p> <p>Section 59(4)- Power to fix age limit of motor vehicle</p> <p>Section 62B- Maintenance of National Register of Motor Vehicles</p>	

S. No	Section (MVA, 1988/MVAB, 2017)	Central Motor Vehicle Rules (Power of Central Government)	State Motor Vehicle Rules (Power of State Government)
		Section 63- Maintenance of State Registers of Motor vehicles. Chapter IV- Registration of Motor Vehicles	
5.	Section 65, MVA 1988		A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 64. Rules concerning conduct and hearing of appeals; appointment, function and jurisdiction of registering and other prescribed authorities; exemption of road rollers, graders etc., issue or renewal of certificates of registration and fitness; production of certificates of registration before the registering authority; temporary registration; Section 58(2); exemption of prescribed persons or classes; the forms; communication between registering authorities and owners of vehicles outside the state; Section 41(13), Section 47(7), Section 49(4), Section 50(5); extension of validity certificate of fitness; exemptions from this chapter; section 62; maintenance of state register. Chapter IV- Registration of Motor Vehicles
6.	Section 67, MVAB 2017		Power of State government to control road transport can issue directions both to State Transport Authority and Regional Transport Authority regarding passengers' convenience, economically competitive fares, prevention of overcrowding and road safety. To achieve objectives of sub-section 1(d) can relax all or any of the provisions made in this Chapter. Can modify any permit or make schemes for transportation of goods and services and issue licences for promotion and efficiency in transport. Chapter V- Control of Transport Vehicles
7.	Section 95, MVA 1988		Power of State Government to make rules to regulate stage carriages and contract carriages and conduct of passengers in such vehicles. Chapter V- Control of Transport Vehicles
8.	Section 96, MVAB 2017		Power of State Government to make rules for the purpose of this Chapter. Chapter V- Control of Transport Vehicles
9	Section 107 MVA, 1988		State Government can make rules under section 99-Preparation and publication of proposal regarding road transport service of a State transport undertaking, 100(1),(2),(3)-

S. No	Section (MVA, 1988/MVAB, 2017)	Central Motor Vehicle Rules (Power of Central Government)	State Motor Vehicle Rules (Power of State Government)
			Objection to Proposal, 103(1) - Issue of permits to State transport undertakings, 106 -Disposal of articles found in vehicles
10	Section 110 MVA,1988	The Central Government May make rules regulating the construction, equipment and maintenance of motor vehicles and trailers with respect the matters given in the section 110	
	Section 110(A)(6) MVAB, 2017	The Central Government may make rules for regulating the recall of motor vehicles, of a particular type or its variants, for any defect which in the opinion of the Central Government, may cause harm to the environment or to the driver or occupants of such motor vehicle or to other road users	
	Section 110(B)(3)	The Central Government shall make rules for the accreditation, registration and regulation of testing agencies	
11	Section 111 MVA, 1988		A State Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers with respect to all matters other than the matters specified in sub-section (1) of section 110
12	Section 134(A) MVAB, 2017	(2) The Central Government may by rules provide for the procedure for questioning or examination of the Good Samaritan, disclosure of personal information of the Good Samaritan and such other related matters	
13	Section 136(A)(2) MVAB, 2017	The Central Government shall make rules for the electronic monitoring and enforcement of road safety including speed cameras, closed-circuit television cameras, speed guns, body wearable cameras and such other technology	
14	Section 137 MVA, 1988	Central Government can make rules under section 121 on signals and signaling devices and section 131 Duty to produce licence and certificate of registration	
	Section 137 (aa) MVAB, 2017	Central Government may make rules for providing for the standards of protective headgear and measures for the safety of children below the age of four years riding under section 129	
	Section 137	Central Government may make rules	

S. No	Section (MVA, 1988/MVAB, 2017)	Central Motor Vehicle Rules (Power of Central Government)	State Motor Vehicle Rules (Power of State Government)
	<b>(C) MVAB, 2017</b>	for providing for criteria for the selection of cities by state governments where the electronic monitoring and enforcement under in sub-section (1) of section 136A is to implemented	
	<b>Section 137 (d) MVAB, 2017</b>	Central Government may make rules for providing for electronic monitoring and enforcement under sub-section (2) of section 136A	
<b>15</b>	<b>Section 138 (1) &amp; (2) MVA, 1988</b>		The State Government may make rules for the purpose of carrying into effect the provisions of the Chapter VII <i>Control of Traffic</i> other than the matters specified in section 137 And also can make rules as specified in section 138(2)
	<b>Section 138 (1A), MVAB, 2017</b>		The State Government may, in the interest of road safety, make rules for the purposes of regulating the activities and access of non-mechanically propelled vehicles and pedestrians to public places and national highways
<b>16</b>	<b>Section 139 MVA, 1988</b>	Centre Government may make rules as mentioned under sub-section (1) and (2) of Section 139 Under chapter VII <i>Control of Traffic</i>	
<b>17</b>	<b>Section 164C MVAB, 2017</b>	The Central Government may make rules for the purposes of carrying into effect, the provisions of this Chapter (Chapter XI: Insurance of Motor Vehicles Against Third Party Risks)	
	<b>Section 164D, MVAB 2017</b>		The State Government may make rules for the purposes of carrying into effect, the provisions of this Chapter other than the matters specified in section 164C (Chapter XI: Insurance of Motor Vehicles Against Third Party Risks)
<b>18</b>	<b>Section 176</b>		State Government may make rules for the purpose of carrying into effect the provisions of sections 165 to 174, and in particular, such rules may provide for all or any of the following matters as mentioned in Section 176
<b>11</b>	<b>Section 210 (C) MVAB, 2017</b>	Central Government may make rules for design, construction and maintenance standards for National highways (b) such other factors as may be taken into account by the Court under sub-section	

S. No	Section (MVA, 1988/MVAB, 2017)	Central Motor Vehicle Rules (Power of Central Government)	State Motor Vehicle Rules (Power of State Government)
		(3) of section 198A; (c) any other matter which is, or has to be, prescribed by the Central Government	
	<b>Section 210 (D) MVAB, 2017</b>	The State Government may make rules for design, construction and maintenance standards for roads other than national highways, and for any other matter which is, or may be, prescribed by the State Government	
<b>19</b>	<b>Section 213 MVA, 1988</b>		The State Government may make rules to regulate the discharge by officers of the Motor Vehicles Department of their functions and in particular and without prejudice to the generality of the foregoing power to prescribe the uniform to be worn by them, the authorities to which they shall be subordinate, the duties to be performed by them, the powers (including the powers exercisable by police officers under this Act) to be exercised by them, and the conditions governing the exercise of such powers
<b>20</b>	<b>Section 215 (B) MVAB, 2017</b>	The Central Government may make rules for the purposes of carrying into effect, the provisions of this Chapter other than the matters specified in section 215B (Chapter XIV: Road Safety councils and Committees )	.
	<b>Section 215 (C) MVAB, 2017</b>		State Government may make rules for the purposes of carrying into effect, the provisions of this Chapter other than the matters specified in section 215B. (Chapter XIV: Road Safety councils and Committees )
	<b>Sec 215 (E) MVAB, 2017</b>	<b>The Central Government may make rules— (a) regarding terms and conditions of appointment of Chairman and members of the National Road Safety Board under sub-section (1) of section 215D; (c) Any other matter which is, or has to be, prescribed by the Central Government.</b>	

## Rules and Regulations Governing the Risk Factors in Road Safety

### *Speed*

There are following legal provisions for speed in the Motor Vehicles Act, 1988, Central Motor Vehicles Rules, 1989 and State Motor Vehicles Rules 1989 for Rajasthan.



National law on Speed in place.  Mention Specific Sections.	State law on Speed in place  Mention Specific Sections	Speed Limit on Urban roads	Speed Limit on Rural roads	Power of local authorities to modify national speed limits. If yes what?	Speed Limit on Motorways	Recommendations
<p><b>Section 112(1)</b>- Limits of Speed</p> <p><b>Section 183</b> of MVA, 1988 deals with punishments and penalties for driving at excessive speeds.</p> <p><b>Section 184</b>- Deals with dangerous driving.</p> <p><b>Section 189</b>- Racing and trails of Speed.</p> <p><b>Section 110(1f)</b>- Power to central government to make laws relating to Speed governors.</p>	<p><b>Section 112(2)</b> of MVA, 1988 - State Government or any authority of behalf of State Government can fix speed limits.</p> <p><b>Section 116(1a)</b>-Power to erect signs. The State Government or any authority authorised in this behalf by the State Government may cause or permit traffic signs to be placed or erected in any public place for the purpose of bringing to public notice any speed limits fixed under sub-section (2) of section 112 or any prohibitions or restrictions imposed under section 115 or generally for the purpose of regulating motor vehicle traffic.</p> <p><b>Section 71(2)</b>: A Regional Transport Authority shall refuse to grant a stage carriage permit if it appears from any time-table furnished that the provisions of this Act relating to the speed at which vehicles may be driven are likely to be contravened.</p> <p><b>Section 189</b>: Racing and trials of speed. Whoever without the written consent of the State Government permits or takes part in a race or trial of speed of any kind between motor vehicles in any public place shall be punishable with imprisonment for a term which may extend to one month, or with a fine which may extend to Rs 500, or with both.</p>			<p><b>Section 112(2)</b> of MVA, 1988 - State Government or any authority of behalf of State Government can fix speed limits.</p> <p><b>Rule 8.1</b> District Collector and District Magistrate in their respective jurisdiction shall have the power to impose speed limits.</p>	90 kms	The speedometers of vehicles shall have provision of having speed of up to 100 Km/Hour only rather than up to 300 or so. There has to be alarm system on high speed and speed governor as well fitted in new vehicles by design only.

The Supreme Court's decision on constituting a Committee on Road Safety in the Writ petition (Civil) No. 295 of 2012 of *Dr. S. Rajasekaran Petitioner(S) vs. Union of India & Other Respondent (S)* and its Judgment dated April 22, 2014 at the point number 32, was very effective. After constituting this decision, the Supreme Court Committee on Road Safety gave several directions and guidelines to states to follow. The intervention of this Committee resulted in several policy and implementation level changes and positive outcomes, in general, and speed related issues, in particular. The Committee asked all states to suspend licence of traffic rule violators, even for over speeding and red light jumping, for a minimum of three months. The copy of the said decision can be referred at: [www.supremecourtindia.nic.in/jonew/bosir/orderpdfold/1965575.pdf](http://www.supremecourtindia.nic.in/jonew/bosir/orderpdfold/1965575.pdf)

## Drunk Driving

There are several legal provisions for drunk and driving in the Motor Vehicles Act, 1988, Central Motor Vehicle Rules, 1989 and State Motor Vehicles Rules 1989 for Rajasthan.

National law on Drink-Driving in place Mention Specific Sections	State law on Drink-Driving in place Mention Specific Sections	Drink-Driving law is based on BAC or other levels	BAC level of General Population .....g/dl	BAC level for young or Novice Drivers .....g/dl	Recommendations
<p><b>Section 9(8a, b):</b> The licencing authority can refuse to grant license to habitual drunkard/habitual addict of drugs/narcotic substance/psychotropic substance</p> <p><b>Section 19:</b> Power of licensing authority to disqualify from holding a driving licence or revoke such licence</p> <p><b>Section 185:</b> Penalties and punishment for Driving by a drunken person or by a person under the influence of drugs</p>	<p>Legal alcohol consumption age in Rajasthan is 21</p> <p>This provision is under Section 22 of the United Provinces Excise Amendment Act, 1976 which prohibits sale of liquor or intoxicating drugs under the age of 21 for personal or others consumption</p>	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	BAC level of Novice Drivers can be 20 mg. per 100 ml. blood

The Supreme Court's decision on constituting a Committee on Road Safety in the Writ petition (Civil) No. 295 of 2012 of *Dr. S. Rajaseekaran Petitioner(s) vs Union of India & Other Respondent(s)* and its Judgment dated April 22, 2014 at the point number 32, was very effective. After constituting this decision, the Supreme Court Committee on Road Safety gave several directions and guidelines to the states to follow. The intervention of this committee resulted in several policy and implementation level changes and positive outcome in general and speed related issues on particular. The SC Committee directed that in case of driving a vehicle under the influence of drinks or drugs, the police should prosecute the offender and seek imprisonment as prescribed under Section 185 of the Motor Vehicles Act, 1988 even for the first offence. The copy of the said decision can be referred on the given web link below.

[www.supremecourtfindia.nic.in/jonew/bosir/orderpdfold/1965575.pdf](http://www.supremecourtfindia.nic.in/jonew/bosir/orderpdfold/1965575.pdf)

## Helmets

There are several legal provisions for helmets in the Motor Vehicles Act, 1988, Central Motor Vehicles Rules, 1989 and State Motor Vehicles Rules 1989 for Rajasthan.

National law on Motorcycle Helmets in place  Mention Specific Sections	State law on Motorcycle Helmets  Mention Specific Sections	Law applies to motorcycle drivers and adult passengers	Law applies to all road types	Law applies to all engine types	Law requires helmet to be properly fastened	Law requires helmet to meet a national or international standard	Law requires children to wear helmet	Recommendations
<p><b>Section 129:</b> Wearing of protective headgear — Every person driving or riding (otherwise than in a side car, on a motor cycle of any class or description) shall, while in a public place, wear protective headgear conforming to the standards of Bureau of Indian Standards]; Provided that the provision of this sections shall not apply to a person while driving or riding on the motor cycle, in a public place, wearing a turban: Provided further that the State Government may, by such rules, provide for such exceptions as it may think fit. Section 194D MVAB, 2017- Whoever drives a motor cycle or causes or allows a motor cycle to be driven in contravention of the provisions of section 129 or the rules or regulations made thereunder shall be punishable with a fine of one thousand rupees and he shall be disqualified for holding licence for a period of three months.</p>	<p><b>Section 129:</b> State Government may, by such rules, provide for such exceptions as it may think fit.</p> <p>According to Rajasthan Motor Vehicles Rule 8.28. Wearing of protective Head Gear. - Every person driving or riding on motor cycle including any two wheeled motor vehicle i.e. motor cycle, scooter, moped shall while in public place, wear a protective head gear of the specification prescribed by the Bureau of Indian Standards</p> <p>Only people who wear turbans are exempted.</p> <p>Helmets are mandatory for both riders and pillion riders across state since 2005.</p> <p>Penalty: Rs. 200</p>	Yes. As per Supreme Court order dated Pillion riders also need to wear helmet compulsorily.	Yes	No. There is a law regarding helmets but this particular element is not covered under the law. Battery operated motor bikes are exempted from this provision therefore the drivers or pillion rider of such vehicles does not need to wear helmet at all.	No. There are act and rules for the helmet but for this particular element there is legal provision in the Central and state Motor Vehicle Rules.	Yes as per CMVR, 1989, helmets has to be at par with IS 4151: 2015, Protective helmets for the two wheeler rider specifications (Fourth Revision)	Above four years of age children will be requiring to wear headgears as per the provisions of the New MVA Bill, 2017	There has to be a provision for fastening of the helmet as well. Good quality helmets shall be available for 4 year children as well which are not easily available currently.

According to Rajasthan Motor Vehicles Rule **8.28 Wearing of protective Head Gear is compulsory.** Every person driving or riding on motor cycle including any two wheeled motor vehicles, i.e. motor cycle, scooter, moped shall while in public place, wear a protective head gear of the specification prescribed by the Bureau of India Standards:

- Provided further, that the State Government may from time to time by notification in official Gazette relax the application of this provision for a class of driver/rider subject to such conditions as it may deem fit;
- Provided further that the State Government may, from time to time by notification in the official Gazette exempt from the provision of this Rule any area or areas of the State as it may deem fit; and
- Provided also that a period of six months shall be allowed to obtain the protective head gear from the date of the publication of the notification providing for use of such protective head gear under this rule except for the

places where this provision is already in force prior to coming in force of the rules.

### ***Seat Belts***

There are several legal provisions for seat belts in the Motor Vehicle Act, 1988, Central Motor Vehicle Rules, 1989 and State Motor Vehicle Rules 1989 for Rajasthan.

National Law	State Law	Law applies to drivers and front seat passengers	Law applies to rear seat passengers	Recommendations
<p><b>Section 194(B1):</b> Whoever drives a motor vehicle without wearing a safety belt or carries passengers not wearing seat belts shall be punishable with a fine of Rs 1,000</p> <p>Provided that the State Government, may by notification in the Official Gazette, exclude the application of this sub-section to transport vehicles allowed carrying Standing passengers or other specified classes of transport vehicles.</p>	<p>Yes</p> <p>Penalty: Rs. 300</p>	Yes.	<p>No.</p> <p>The Section 194 (B 1) applies to the rear passengers who are seated facing the front side only but passengers who rear seated but side faced (In SUV cars there are back seats which are side faced) are not covered under the above mentioned section.</p> <p>Seatbelts shall be compulsory for the rear seat passengers as well irrespective of their facing.</p>	The Supreme Court orders of providing road safety education, counseling to the seat belt provision violators must be followed.

### ***Child Restraint System***

There are various legal provisions for child restraint system in the Proposed Motor Vehicles Amendment Bill, 2017. It is to clarify that in the current Motor Vehicles Act, 1988, Central Motor Vehicles Rules, 1989 and State Motor Vehicles Rules 1989 for Rajasthan there is no provision at all about the child restraint system.

National Law	State Law	Law is based on age-weight-height or a combination of these factors	Law restricts children under a certain age-height from sitting in front seat	Recommendations
<p><b>Section 194(2):</b> Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven with a child who, not having attained the age of fourteen years, is not secured by a safety belt or a child restraint system shall be punishable with a fine of Rs 1,000</p>	<p>No laws.</p> <p>In the existing Central Motor Vehicle Act, 19988 or CNVR, 1989 or in the Rajasthan State Motor Vehicle Rules, 1989 there is no provision for Child Restraint System. But his provision has been kept in section 194 (2) of MVA Bill, 2017.</p>	<p>The provision of CRS is based on the Age only and not based on weight and height etc. in the proposed MVA Bill, 2017.</p>	<p>No laws.</p> <p>There is no legal provision in the Central Motor Vehicle Act, 19988 or CNVR, 1989 or in the Rajasthan State Motor Vehicle Rules, 1989 which restricts children under a certain age or height from sitting in the front seat of the vehicle.</p>	<p>There is provision of CRS in the upcoming MVA Bill, 2017. But implementation of the same would be very difficult. Proper mechanism shall be put in place for effective enforcement.</p>

### *Use of Mobile while Driving*

National Law	State Law	Law applies to hand-held phones	Law applies to hands-free phones Or,	Recommendations
<b>Section 184:</b> Dangerous Driving includes Jumping red light/violating stop sign/using handheld communication devices/overtaking/driving in wrong side.	Yes Penalty: Rs 300	Yes. There is a specific provision in the CMVR, 1989 and Rajasthan State MV Rules, 1989 about the same.	No. The respective legal provisions regarding the mobile phone are related to using handheld communication devices only and it is clearly mentioned that it is not for hands free communication devices.	There has to be some legal provision in the Section 184 for hands free communication devices as well to restrict their use while driving.

### *Use of High Beam*

According to Rule 8.18 of the Rajasthan Road Safety Policy, use of dazzling lights are restricted but there is no specific legal provision in the Central Motor Vehicles Act, 1988 or Central Motor Vehicles Rules, 1989 or State Motor Vehicles Rules 1989 regarding usage of high beam lights while driving.

### **Recommendations to the State Government**

- Improve the capacity of rulemaking officials at Transport Department, Government of Rajasthan
- Provision of required human resource and for funds to hire technical and legal professionals for effective processes of act or rulemaking to improve its efficacy and efficiency
- Provision of legal library at Transport Department level for literary, theoretical and other references
- Interstate Exposure of the rulemaking committee members of Transport Department, Government of Rajasthan
- Need of publicising the draft rules other than the gazette and using online platforms of social media for inviting public comments on the draft rules for engaging wider road users and common consumers.
- After passage of the Act, sufficient provisions for popularizing the provisions of the Act and corresponding rules among service providers as well as common consumers across the state.
- Ensure more involvement of road safety experts and professionals from Public Works Department (PWD), National Highways Authority of India (NHAI) and other road making agencies and research institutions.
- Interactive channels has to be established between Ministry of Road Transport and Highways, Govt. of India and State Transport Departments at pre legislative, legislative and post legislative phase of act and rule making.

## 10. Legislative Assessment of Road Safety in Tamil Nadu

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### Background

Internationally, road accidents kill as many people as major pandemics, malaria and TB. Mistakenly perceived as an inevitable consequence of economic development, road incidents are the biggest cause of mortality among men and women between the ages of 10 and 45, except in those countries worst affected by HIV/AIDS, where this disease remains the biggest killer.

The Global Status Report on Road Safety, 2015, brought out by the World Health Organisation (WHO), pegs the number of fatalities from traffic accidents globally at 1.25 million people in 2013. Of this, India's share was 16.6 percent, though the Government of India put it at little under 11 percent. Tamil Nadu has more than 15,000 km of national and state highways, and typically has extremely high numbers of road incidents annually. In 2016, it accounted for 17,218 fatal accidents, which is 10 percent of the total national figure. In 2015, there were 15,636 fatal road accidents and 15,190 deaths in 2014.

### Legislative Framework

#### *Legislative Process*

In Tamil Nadu, the law making body is the Legislative Assembly. Unlike some other states (Karnataka and Andhra Pradesh, for instance), Tamil Nadu has a unicameral legislature. The Legislative Assembly consists of 234 elected representatives from 189 general and 45 reserved constituencies. The term of each Assembly is five years unless dissolved earlier.

#### *Initiation of Legislation*

Legislation may arise out the concerned department perceiving a need for it, wherein senior bureaucrats may marshal their arguments for said legislation and submit the same to the minister concerned. For example, a one-member committee within the Transport Department drafted the Road Safety Policy, 2007. This need for legislation may also be initiated by representations from interest groups -- citizens, industries, non-profits, etc. However, there is no formal mechanism for public participation in formulation of policies, though public representation may be a part of certain committees constituted by departments. A third potential route is that the legislation/policy begins with an announcement to the effect by the Minister/Chief Minister. Suggestions may also come in from various government committees, such as the Public Accounts Committee of the Legislative Assembly.

#### *Policymaking regarding Transportation/Road Safety*

Two departments are responsible for policymaking regarding transportation in Tamil Nadu. The Home, Prohibition and Excise Department is responsible for the administration of several departments, including the Transport Department. It formulates policies and implements laws with respect to subjects on the State list in the

Constitution, among others: the motor vehicles; nationalisation of transportation under the motor vehicles; taxes on motor vehicles; mechanically propelled vehicles, and vehicles other than mechanically propelled ones.

The Home Department issues transport-related government orders based on requests made by the Transport Department. For example, for budget revisions, proposals are received from the Motor Vehicle Maintenance Department to the Home Department. Based on consultation with the Finance Department, the Home Department then shares the revised proposal with Transport Department. The Transport Minister signs on the proposal finally permitting the Home Department to issue a government order.

### ***Drafting a Bill***

When the concerned department decides there is a need for legislation, the drafting of the Bill is done in consultation with the Law and the Finance Department as well in matters relating to funds. Other related departments may also be consulted. Once the departments involved have been consulted, and the approval of the law and finance departments have been obtained, the draft Bill is forwarded to the Minister in charge for his perusal and then to the Chief Minister. The next step is to introduce the Bill in the Legislative Assembly. To introduce a bill, a member has to give five days' notice of his intention to do so, submit a draft copy to the Secretary and a statement of objects and reasons. If the bill requires Governor's recommendation for introduction, the member will be informed. The member then requests, via the Assembly Secretariat, the Governor for his recommendation.

Since there may be several bills to be introduced in the Assembly, the order is decided by ballot of the names of Members who have given notices of motions/leaves to introduce bills (that do not require the Governor's recommendation or have received the Governor's nod).

Once introduced, the Bill is published in the gazette, and tabled in the Assembly for first general and then later for detailed discussion. The member in charge of the Bill can then give five days' notice for the Bill to be taken into consideration by the Assembly or be referred to a Committee of the House or circulated for public opinion.

Once the Assembly passes the Bill, it goes to the Governor for his assent (or the President if it is reserved for his consideration). Once their assent is received, the Bill is published as an Act and comes into effect from the date indicated in it.

### ***Motor Vehicles Rules (1989)***

The Motor Vehicles Act (1988) and Rules (1989) regulate all vehicles powered mechanically and plying on roads. They contain provisions for registration and permits of motor vehicles, licensing of drivers and conductors, regulation of traffic, insurance and liability. In exercise of the powers conferred by sections 28, 38, 65, 95, 107, 311 and 138 read with section 211 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), the Government of Tamil Nadu passed the Tamil Nadu Motor Vehicles Rules (1989). These Rules also make provisions for road transport aspects related to licencing, regulations, control, etc.



***Drawing from Motor Vehicles Act (1988), the Tamil Nadu Motor Vehicles Rules 1989 lays down the following exemptions***

1. Payment of driving fee for certain diplomats and repatriates
2. Payment of registration fee for certain types of motor vehicles used for the purpose of road cleaning, motor vehicles owned by certain public officials and diplomats, and others that the State government deems is in public interest or would cause hardships
3. Number of hours of driving for emergency and military vehicles, or vehicles during the time of emergencies, vehicles carrying persons requiring medical aid, and vehicles proceeding to the nearest place of halt notwithstanding unavoidable delays (such as loss of fuel, change of tyre, etc.)
4. Overall length of trailers beyond the stipulated 700 cm typically designed for carrying certain categories of loads that are indivisible
5. Projection of load with a payment of a fee
6. Production of drivers licences by drivers of fire service vehicles on duty and in uniform
7. Wearing of protective headgear by those who wear turbans, women and children pillion riders
8. Fee for Claims Tribunal granted under judgment

## Legislative Assessment Findings

Despite the strong institutional and legislative frameworks, it is evident from the road fatalities in the state that the regulatory framework necessary for enforcement is weak.

### Speed

National Law	State Law	Speed limits for urban and rural roads, highways	Power of local authorities to modify national speed limits. If yes what?
<p><b>Section 112 of Chapter VIII: Limits of speed:</b></p> <p>(1) No person shall drive a motor vehicle or cause or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed or below the minimum speed fixed for the vehicle under this Act or by or under any other law for the time being in force: Provided that such maximum speed shall in no case exceed the maximum fixed for any motor vehicle or class or description of motor vehicles by the Central Government by notification in the Official Gazette.</p> <p>(2) The State Government or any authority authorised in this behalf by the State Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the Official Gazette, and by causing appropriate traffic signs to be</p>	Same as National Law	As per section 112 (2) of MV Act, 1988 State Government or any authority of behalf of State Government can fix speed limits. No specific data is available in public domain.	<p>G.S.R.290(E), dated 15.04.2015 issued by MoRTH amends Rule 118 of the CMVR empowering states to fix speed limits not exceeding 80kmph. The same notification fixes the maximum speed of certain vehicles at 80kmph.</p> <p>Commissioner of Police, Greater Chennai and Superintendent of Police in the districts can suggest speed limits &amp; designate roads as main roads, subject to approval of STA/RTA. This provision has been implemented in state of Tamil Nadu.</p>

National Law	State Law	Speed limits for urban and rural roads, highways	Power of local authorities to modify national speed limits. If yes what?
<p>placed or erected under Section 116 at suitable places, fix such maximum speed limits or minimum speed limits as it thinks fit for motor vehicles or any specified class or description of motor vehicles or for motor vehicles to which a trailer is attached, either generally or in a particular area or on a particular road or roads: Provided that no such notification is necessary if any restriction under this section is to remain in force for not more than one month.</p> <p>(3) Nothing in this section shall apply to any vehicle registered under Section 60 while it is being used in the execution of military manoeuvres within the area and during the period specified in the notification under sub-section (1) of Section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (5 of 1938).</p>			

### ***Drunk Driving***

National Law	State Law	Drink-Driving law is based on BAC or other levels	BAC level of General Population (g/dl)	BAC level for young or Novice Drivers (g/dl)
<p><b>Section 185:</b> Driving by a drunken person or by a person under the influence — Whoever, while driving, or attempting to drive a motor vehicle,</p> <p>(a) has, in his blood, alcohol exceeding 30 mg per 100 ml of blood detected in a test by a breath analyser, or,</p> <p>(b) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to Rs 2,000, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term</p>	Same as national law	On Blood Alcohol Content (BAC) level as mentioned in the MV Act, 1988 and CMVR, 1989.	30 (Section 185)	Though there is no provision for BAC level for young or Novice Drivers but as per best practice of USA, it can be lowered down up to 0.02 percent.

National Law	State Law	Drink-Driving law is based on BAC or other levels	BAC level of General Population (g/dl)	BAC level for young or Novice Drivers (g/dl)
which may extend to two years, or with fine which may extend to Rs. 3,000 or with both.				

### ***Helmets***

National Law	State Law	Law applies to motorcycle drivers and adult passengers	Law applies to all road types	Law applies to all engine types	Law requires helmet to be properly fastened	Law requires helmet to meet a national or international standard	Law requires children to wear helmet
<b>Section 129: Wearing of protective headgear:</b> Every person driving or riding (otherwise than in a side car, on a motor cycle of any class or description shall, while in a public place, wear protective headgear conforming to the standards of BIS: provided that the provisions of this section shall not apply to a person who is a Sikh, if he is, while driving or riding on the motor cycle, in a public place, wearing a turban: Provided further that the State Government may, by such rules, provide for such exceptions as it may think fit	Same as national law	Yes	Yes	Yes	There is no specific provision for fastening the helmet properly in the TNMVR, 1989 or MV Act, 1988 and CMVR, 1989. So its recommended to have some legal provision of penalty in case if helmets are not fastened.	Yes (BIS)	Yes

## Seat Belts

National Law	State Law	Law applies to drivers and front seat passengers	Law applies to rear seat passenger
<p><b>CMVR 1993 Amendment. Rule 125:</b> Safety belt, collapsible steering column, autodipper and padded dash boards.</p> <p>341[(1)] One year from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1993, the manufacturer of every motor vehicle other than motor cycles and three-wheelers of engine capacity not exceeding 500 cc, shall equip every such vehicle with a seat belt for the driver and for the person occupying the front seat.</p> <p>342[(1-A)] The manufacturer of every motor vehicle of M-I category shall equip every motor vehicle with a seat belt for a person occupying the front facing rear seat: Provided that the specifications of Safety Belt Assemblies and Safety Belt Anchorages in motor vehicles shall conform to AIS: 005-2000 and AIS: 015-2000 specifications, respectively, as may be amended from time to time, till such time as corresponding Bureau of Indian Standards specifications are notified: Provided further that on and after 1st October, 2002, the specification of Safety Belt Assemblies and Safety Belt Anchorages in motor vehicles shall conform to AIS: 005- 2000 and AIS: 015-2000 specifications, respectively.]</p>	Same as the national law	Yes	Yes (Rear seated occupants who are sitting by facing front side only). But it was recommended that passengers who are side faced shall also be wear seat belts compulsorily and concerned sections shall be amended for this.

## Child Restraint System

National Law	State Law	Law is based on age-weight-height or a combination of these factors	Law restricts children under a certain age-height from sitting in front seat
None	None	Same as national laws	NA

## Use of High Beam

National Law
<p><b>CMVR Rule 106</b> Deflection of lights —(1) No lamp showing a light to the front shall be used on 235[any motor vehicle including construction equipment vehicle] (whether fitted with single or dual head lamp) unless such lamp is so constructed, fitted and maintained that the beam of light emitted there from— 236[(2) is permanently deflected downwards to such an extent that it is not capable of dazzling any person whose eye position is,— (A) at a distance of 8 metres from the front of lamp,</p>

(B) at a distance of 0.5 metre to the right side of the lamps, i.e., fitted at right extreme of the vehicle, from the right edge of the lamp, and C) at a height of 1.5 metres from the supporting plane of the vehicle: 237[(a)\*\*\*]

(b) is capable of being deflected downwards by the driver in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid;

(c) is capable of being extinguished by the operation of a device which at the same time causes a beam of light to be emitted from the lamp which complies with the provision of clause (a);

(d) is capable of being extinguished by the operation of a device which at the same time either deflects the beam of light from another lamp downwards or both downwards and to the left in such manner as to render it incapable of dazzling any person in the circumstances aforesaid, or brings into or leaves in operation a lamp which complies with the provisions of clause (a). [(2)] The provisions of sub-rule (1) shall not apply to any lamp fitted with an electric bulb, if the power of the bulb does not exceed 7 watts and the lamp is fitted with a frosted glass or other material which has the effect of diffusing the light.

### ***Using Mobile while Driving***

National Law	State Law
CMVR Rule 21(25) – avoidance of mobile phone while driving. This was added via GSR 221 (E) dated March 28, 2001	None

### **Recommendations**

1. The legislation making process should be systematic and standardised. Currently, there are multiple ways by which a policy or rule change can be initiated and there is no frequency for policy reform.
2. There should be a requirement for new policies to be comprehensive, innovative and reflective of current needs.
3. There should be a specification regarding the timeframe from initiation of policy reform to its completion that is reasonable and rational.
4. There needs to be an explicit mention of the need to have a holistic policy consideration where the policy-making body pays specific attention to all aspects of a transport system, namely accessibility, safety, equity, efficiency and environmental and social aspects.
5. The policy making body while deliberating on policy matters within its jurisdiction/mandate should consider implications of other policies as well as the impact of the policy under consideration upon those.
6. The policy making body while making the policy should set clear goals and define indicators that will help assess the extent to which the policy has been successfully implemented.
7. The policy making body while deciding upon any policy matter should give consideration to the manner in which the policy will be implemented, both in terms of clear ownership of each element of the policy as well as the capacity and institutional structure of each body that will be responsible for its implementation.
8. There is very little accountability for road construction and maintenance in urban areas. In Chennai, for instance, one senior official was transferred when he published the names of contractors with poor performance.
9. There is no fixed tenure for senior bureaucrats, who are transferred frequently. This limits the ability of institutions to take a long-term and systematic approach

to projects. Longer tenure could provide crucial stability in leadership in departments and may be significant to achieving necessary road safety coordination and outcomes.

10. There is little to no monitoring of performance and adherence to rules. Operating procedures for executing agencies are not clear and relevant documents not updated. There is also no official process for regular training to upgrade skills.
11. The Road Accident Data Management System (RADMS) was developed for an exorbitant amount but after its initial phase of development and testing the officials do not use it. The reason that was cited was that there are other activities that demand the attention of the officials. Unfortunately, this is also the reason that the line departments do not have data for decision making.
12. There is no transparency in the state's position on the road safety policy, road safety data, outcomes and milestones. There is also a paucity of information that is accessible to citizens and civil society.
13. There are several departments and agencies that have responsibilities of policymaking, planning, execution, standards setting, budgeting and regulation of road transport, and coordination needs to be strong to ensure road safety outcomes.
14. With specific reference to risk factors, certain gaps were found that need to be filled. These include framing of necessary legislative provisions and strengthening their application by all executing authorities.

# 11. Legislative Assessment of Road Safety in Telagana

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## Background

Road Safety is a multidimensional and multi-sectorial issue concerned to development and management of road infrastructure, urban land use planning, provision of safer vehicles, mobility planning, legislation and law enforcement, provision of health and hospital services etc. Road safety in India requires a coordinated response.

There is no specific road safety legislation in India till date. The Motor Vehicles Act of 1988 is the primary legislation by which road transport and safety is regulated in India. Although the Motor Vehicles Act regulates road safety, the responsibility for road safety is diffused. MVA regulate road safety by imposing nominal monetary fines or by deferring the punishment to the criminal justice system. There is no single agency to deal with the broad range of issues associated with road safety. There are various organisations dealing with various aspects of road safety, such as creation of infrastructure, traffic law enforcement, urban planning, public health, highway development and insurance. There is no effectual mechanism for coordinating actions of different organisations and agencies.

### ***Motor Vehicles Act, 1988: An Introduction***

The Motor Vehicles Act, 1988 is an Act of the Parliament of India which regulates all aspects of road transport vehicles. The Act came into force on July 01, 1989 and is applicable to whole of India. It replaced Motor Vehicles Act, 1939 which earlier replaced the first such enactment Motor Vehicles Act, 1914. The Act provides the legislation regarding licencing of drivers/conductors, registration of motor vehicles, control of motor vehicles through permits, special provisions relating to state transport undertakings, traffic regulation, insurance, liability, offences and penalties, etc. in detail.

Road safety is a State subject. The administration of the Motor Vehicles Act, 1988 is under the Transport Department, which is one of the major departments dealing with road safety. The Government of India made the Central Motor Vehicles Rules 1989 for exercising the legislative provisions of the Act.

For the enforcement of road safety, the following rules and regulations are issued under Central Motor Vehicles Rules 1989:

- Licencing of drivers of motor vehicles 1989
- Control of transport vehicles 1989
- Registration of motor vehicles 1989
- Construction equipment and maintenance of motor vehicles 1989
- Overall dimensions of motor vehicles
- Rules of the road regulations 1989
- The driving licence



- The motor vehicles (all India permit for tourist transport operators) rules 1993
- The liquefied petroleum gas (regulation of use in motor vehicles) order 2001

Other than these, there are Rules of Road Regulations, 1989. The state governments have powers to formulate Rules under the Act on definite aspects to manage vehicular traffic on roads. The aforementioned Transport Department works with two of the specified concerned authorities, under the Motor Vehicles Act, 1988. The compliances of the set of laws formulated are enforced by agencies responsible for enforcement including traffic police. If in any case of violation of rules and regulations related to traffic laws then they are enforced to issue *challans* against the lawbreaker under penal measures as per Motor Vehicles Act, 1988. (S, 2016)

### ***Law relating to Registration of Vehicles***

- **Mandatory Registration:** Under the Motor Vehicles Act, 1988 driving of any motor vehicle or any vehicle, which is not registered, is prohibited and no owner of vehicle should allow driving of an unregistered vehicle in public place under the provision of the Motor Vehicles Act. Cars with dealers are exception to this provision.
- **Application for Jointly owned Vehicle:** The registration of vehicle can be done by one of the owners in case of joint ownership. If a vehicle registered in one state is kept in another state for more than a period of 12 months, then owner of such vehicle has to come up to the registration authority within whose jurisdiction the vehicle is for assignment of new registration mark.
- **Jurisdiction for Application:** Registration of the vehicle is done by the concerned authority on the basis of place of residence or business, where the vehicle is usually kept.

### **Law relating to Driving Licence**

The Motor Vehicles Act, 1988 and the Central Motor Vehicle Rules, 1989 prescribes strict procedure for award of driving licences:

1. **Effective Driving Licence:** Any person may apply for a driving licence if not otherwise disqualified to hold it. As per the Central Motor Vehicles Act, 1988 nobody can drive at any public place until he holds a valid driving licence issued to him authorising him to drive the vehicle.
2. **Age Limit for obtaining the driving licence:** No person who has less than the age of 18 years shall drive a motor vehicle in a public place. But a motor vehicle of engine capacity not exceeding 50cc can be driven under the age of 16 years. No person under the age of 20 years should drive a transport vehicle.
3. **Learner's licence:** The Learner's license means a license issued to drive as a learner or a motor vehicle specified under a special class or description by a capable authority. The validity time of learner's license is 6 months. Learner's license to drive a transport vehicle cannot be given unless he drives any light motor vehicle for at least one year. Test of ability to drive a vehicle would be given in the vehicle specified in application to acquire the driving license.

4. **Power to revoke licence:** Licencing authority has the power to revoke the licence of medically unfit individual. Automatic suspension of licence will be done to a person who has caused death or grave injury of one or more persons. The registering authority can cancel the registration of motor vehicle that is lost, damaged or has been permanently made incapable for use. If the chassis or engine number differ from RC, then the registering authority is allowed to cancel the registration. Under the condition of the person being habitual criminal, drunkard, addicted to narcotic drugs and psychotropic substances, is using a motor vehicle in commissioning of offence, any fraud or misrepresentation in obtaining the DL, driving to cause danger to public on the basis of previous conduct the licensing authority can cancel the license.
- **Duty to produce licence and certificate of registration:** The driver of any motor vehicle is bound to produce the licence for examination by the authorities in uniform. The individual is also bound to stop the vehicle if it is involved in accident.

### ***Law relating to Pedestrians***

Indian law under the Motor Vehicles Act, 1988 and other associated act prevents vehicles to run on footpaths. There are numerous acts that safeguard pedestrian rights in some way. The Motor Vehicles Act (1988), penalises motorists going beyond speed limits and license instruction etc. indirectly protecting susceptible road users. It empowers the State government to prevent motor vehicles from using pavements for driving or parking. The Rules of the Road Regulation (1989) has three rules considering pedestrians or their right of way, which are:

- The duty of the driver to slow down when impending a pedestrian crossing
- That no driver can park the vehicle near traffic light or at a pedestrian crossing or a footpath.
- Motor vehicles are not permitted to drive on footpaths or cycle lane except with authorisation from the police officer on duty.

The Municipal Corporation Acts also protect public roads and streets by objecting all obstructions unless they are made with the prior permission of the collector. They are at liberty to ascertain the footpath measurement based on measurement of the public roads.

### ***Provisions to Regulate Road-User Behavior***

The Motor Vehicles Act makes it obligatory that the driver and the pillion rider except must wear helmet of prescribed standard while riding a two-wheeler. A Sikh wearing turban is an exception to this.

- The Central Motor Vehicle Rules, 1989 mandates that the individual sitting in the front seat and the persons sitting in front facing back seat of a four-wheeler must wear seat belt while the vehicle is in motion.
- The Motor Vehicles Act, 1988 prohibits overloading of motor vehicles beyond the specified ceiling.
- Use of mobile phone while driving a vehicle is not permitted.
- Separate safety measures for transportation of hazardous/dangerous goods have been prescribed under CMVR, 1989.
- Mandatory insurance of motor vehicle to take care of third party risk is mentioned under the Motor Vehicles Act.

- CMVR 1989 also prescribes for safety devices for drivers, passengers and road users
- Penal provisions for violation of Road Safety laws prescribed under Motor Vehicles Act, 1988.

### ***Additional Provisions***

The state governments are empowered to grant permits for various categories of transport vehicles. While issuing such permits, they can lay down conditions for regulating these vehicles to take care of road safety activities.

### ***Rules, Regulations and Acts related to Road Safety***

As mandated by the Supreme Court Committee, Telangana has a Road Safety Council headed by Chief Minister of the state. The Supreme Court committee on road safety will review the council every quarter of the year i.e. 3 months regarding the status of road safety in the state. A state road safety policy has been formed and approved by the Supreme Court and is about to be announced in the near future. The state until then follows the Andhra Pradesh Road safety policy which was formulated prior to the separation.

Coming to the legislation part, Telangana does not have a separate legislation regarding road safety. The state follows the acts formulated and approved by Central Government and state government.

The Transport Department of Telangana is the regulating body and the State Police Department is the enforcement body of the state. In case of violation of road safety rules and regulations, the State Police Department has the authority to levy fines and penalties.

## **The Legislative Process**

### ***Creating a New Law***

Any new law has to be proposed as a bill in both houses of Parliament. Bills can either be government-sponsored or private member bills. Each house votes on the bill and if it gets a simple majority of votes, it is sent to the President. Once the President signs the bill, it is notified in the Gazette of India, and becomes law. (Agrawal, 2014)

### ***Parliamentary Committees***

#### Standing

Each House of Parliament has several Standing Committees. The one relevant for road safety is The Department-Related Parliamentary Standing Committee on Transport, Tourism and Culture which is responsible for all motor vehicles, road and transport safety issues.

#### Ad hoc

These are appointed for a specific purpose. They cease to exist when they finish the task assigned to them and submit their report. The one relevant for road safety is: The Committee on Road Safety and Traffic Management (Sundar Committee). The Sundar Committee is an *ad-hoc* committee constituted in November 2005 with the express

purpose of exploring options regarding road safety and make recommendations about changes to the Motor Vehicles Act. (Agrawal, 2014)

## State Processes in Adopting Laws and Regulation on Road Safety

### *Making a New Law*

Every state has right to make laws related to subjects in the State list. Road transport is considered a State subject. A bill proposing the draft legislature regarding road safety issues or any issues regarding road transportation influencing road safety is to be introduced in the State Assembly or Council by the concerned Minister in this case, Telangana Transport Minister. The bill will then have to be voted by members to pass in the Assembly and Council. The bill, if achieved majority votes, will be passed by the Governor of the state or will be sent for President's approval in special cases. After the bill is approved, it is called an Act and is legally guarded.

The legislative proposal or the bill will be suggested to the Minister by the Road Safety Council or Committee. The Road Safety Committee during the annual meetings of road safety discusses legislation and proposed rules and regulations under the legislation.

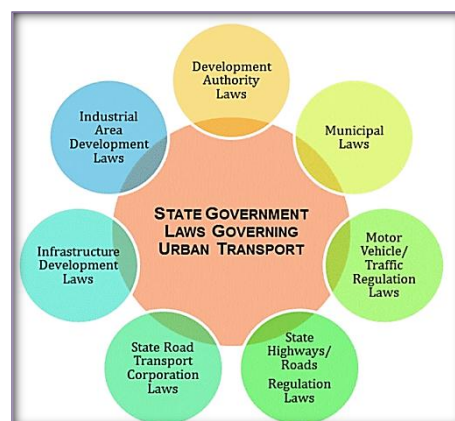
### *Adopting Laws and Regulations*

The Supreme Court Committee on Road Safety will review the Road Safety Council of the State every quarter of the year, i.e. three months regarding the status of road safety in the state. It mandates the council on various aspects of road safety from forming a council to enforcement of law and adoption of acts. The State adopted the Motor Vehicles Act 1988 with regard to road safety.

The Constitution of India provides the supreme law of the nation. The 7<sup>th</sup> Schedule of the Indian Constitution sets out a list of subjects on which the Union Parliament has exclusive right to make laws, known as the Union List. The subjects on which states have exclusive right to make laws are included in the State List, and subjects on which the right is shared are included in the Concurrent List. For subjects under the Concurrent List, both the Union Parliament and State Legislatures have concurrent competence to enact laws with the governing principle being that a law enacted by the Union Parliament will prevail over a law enacted by a State Legislature in relation to the same entry. In this framework, various components of urban transport are spread over different lists - some aspects are governed by Union laws, while others are governed by State laws.

## Laws Governing Urban Transport

The State List in the 7<sup>th</sup> schedule of the Constitution provides the entries over which each State Legislature has the exclusive power to enact laws. Municipal tramways have been notified to be the responsibility of states. Roads (other than national highways), bridges, ferries and other types of transport infrastructure are not specified as being the responsibility of the Centre and can therefore also be the responsibility of states.



Shown in the exhibit are different state laws that impact urban transport. Motor Vehicles Rules have been enacted by legislation in many states, such as Rajasthan, Andhra Pradesh, Uttar Pradesh, and Haryana etc. These rules have been devised to provide for a regulatory mechanism so as to implement the provisions of the Motor Vehicles Act, 1988.

It is important to note that the Constitution, via the 74<sup>th</sup> Amendment, recognises municipalities as the third level of self-governing elected bodies (after the Parliament of India and the Legislatures of each state) under the overall constitutional framework of India. Several states have enacted the Municipalities Act, specifying the area under the jurisdiction of their local government, as well as the roles and responsibilities of a municipality including those pertaining to the urban transport. Analogous to this Act is The Cantonment Act, 1924, (amended as of 2006) which empowers a cantonment board to perform functions similar to that of a municipal corporation within its specified jurisdiction.

### **Legal Framework for Passing a Law at State Level**

The legal framework sets out the overall policy framework for transport in the State. It also establishes and sets the charters of the key government agencies which make decisions affecting the planning and operation of the State's transport system and each agency is required by the statute to have regard to the policy framework.

The draft legislation, first called a Draft Bill and later a Bill, must formally be submitted to State Assembly before it can consider making it a law. Most bills are prepared by government departments under the direction of their minister. A bill is proposed to the government in the first place the state government passes it to the Transport Department. As soon as the bill has been passed to the Ministry of State Transport, it has to be published in newspapers and the general public is asked to comment in a democratic manner. The bill may then be amended to incorporate the public opinion in a constructive manner and then may be introduced in the Parliament by ministers or private members.

Later the bill is passed to the Principal Secretary. The Bill should be referred to the Ministry of Law and Justice which shall also, at the time of examination of the draft legislation or rules, ensure that the concerned Department/Ministry has complied with the process of pre-legislative consultation. The Department/Ministry concerned should include a brief summary of the feedback received from stakeholders (including government departments and the public) along with its response in the note for the Cabinet along with the draft legislation. The summary of pre-legislative process should also be placed before the Department Related Parliamentary Standing Committee by the Department/Ministry concerned when the proposed legislation is brought to the Parliament and is referred to the Standing Committee.

After the above logical process is done, the bill is sent again to the Ministry of State Transport from there to the Chief Minister of the State. The Chief Minister plays a significant and highly crucial role in the state administration. Later a summary of comments received is to be made available on the Transport Ministry's website. Once

the Note for the Cabinet, as prepared in consultation with the Ministry of Law and Justice and other concerned departments, is finalised and the draft of the bill prepared by the Ministry of Law and Justice (Legislative Department) is accepted after scrutiny by the department concerned, the department will send the note to the Cabinet Secretariat for placing the same before the Cabinet for its consideration and approval.

After the Cabinet approval, the department concerned will examine the decision of the Cabinet to see whether any change is necessary in the draft bill submitted to the Cabinet. If so, all the relevant papers including decisions of the Cabinet will be sent to the Ministry of Law and Justice to enable that department to make necessary changes in the draft Bill in consultation with the concerned department in accordance with the decisions of the Cabinet.

## **Recommendations**

- The capacity building of law, rules and policy making committee members, especially of the related departments and agencies which are directly related to the road safety at state level, need to be enhanced to effective law, rule and policy making
- The skill of the committee members of the related committees need to be built on effective engagements with key stakeholders, road users and civil society representatives working on the road safety for making inclusive policies and wider ownership of policies, rules and regulations on road safety
- A pool of legal experts especially on the Motor Vehicles Act, rules and regulations need to be created at state level for expert legal opinion on law
- There is strong need to raise legal awareness in the state for popularising legal provisions of the Motor Vehicles Act and rules, evidence-based mass campaign among rural masses
- Legal research on the Motor Vehicles Act and rules has to be conducted on regular basis at state level for creating more evidences so that legal provisions could be strengthened



## 12. Legislative Assessment of Road Safety in West Bengal

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### Legislative Background

#### ***Road Safety and West Bengal Rules of Business***

In the state of West Bengal, in exercise of the powers conferred by clause (3) of Article 166 of the Constitution of India and in supersession of all previous rules made in this behalf, Governor of West Bengal has made West Bengal Rules of Business vide Notification No. 1209A.R dated June 05, 1964.

The Transport Department of the State being well equipped with resources and authority to implement measures to tackle the road safety situation in the State has been designated as the Nodal Agency. The Additional Secretary, Transport Department who also serves as the Additional Member Secretary of the State Road Safety Council is the Nodal Officer for the Nodal Agency under the Road Safety initiatives. The Transport Department coordinates with six other departments for road safety each having their nodal officers. It deals with wide spectrum of public services, such as issuance of driving licences, registration of vehicles, issuance of permits, operation of public transport services, development of transport infrastructure and promotion of private sector investment in transport sector.

The West Bengal Government has been focussed on improving the safety and discipline on roads of Kolkata by a systematic and scientific approach as well as use of modern technology. A systematic study of the accident-prone areas of the city was undertaken in the year 2015. Road Safety, as a state subject, in West Bengal has received fresh impetus due to the personal interest of Chief Minister. The West Bengal government aims at bringing the errant drivers who cause loss of life as a result of reckless driving under S.302 and 307 of IPC (attempt to murder). Besides this, the amendment to laws have brought about a strict application of the traffic rules – a repeat offence will attract seizure of licence with a huge penalty.

### State Law Making Process

In West Bengal, the main law-making body is West Bengal Legislative Assembly at the state level. the process of law making, in relation to West Bengal Legislative Assembly, may be defined as the process by which a legislative proposal brought before it, and then is translated into the state law after due assent of the Governor of West Bengal.

The Legislative Department of West Bengal is not, in respect of legislation, an originating or initiating department and its proper function is to put into technical shape the projects of legislation of which the policy has been approved; and every proposal to initiate legislation shall be considered in, and if necessary, transferred to, the department to which the subject-matter of the legislation relates and the necessity for legislation and all matters of substance to be embodied in the Bill shall be discussed and, subject to rule 8, settled in such department.



The Legislative Department shall thereafter prepare a Draft Bill and return the case to the department concerned. The Administrative Department will obtain opinions of such officers and bodies as it seems necessary on the Draft Bill and submit the opinion received with a copy of the tentative Draft Bill to the Minister-in-charge. If the tentative Draft Bill is approved by the Minister-in-charge, it shall be circulated to the other Ministers and a copy supplied to the Governor, and unless the Chief Minister directs otherwise, the tentative Draft Bill shall be brought before a meeting of the Cabinet. If it is decided to proceed with the Bill, with or without amendments, the originating department shall send the case to the Legislative Department requesting it to prepare a final draft of the Bill.

The Legislative Department shall then finalise the draft and send a Draft Bill to the originating department indicating at the same time the sanctions, if any, required for the Bill. If any provisions in the Bill involving expenditure from the Consolidated Fund of the State are modified in the finalised draft, the department shall send the finalised Draft Bill to the Finance Department for revising, if necessary, the financial memorandum. The originating department will then transfer the final Draft Bill to the Legislative Department with the instructions of Government thereon, including instructions as to its introduction in the Legislative Council or Legislative Assembly, and with copies of such papers underlying the Bill as should be communicated to the Legislative Council or Legislative Assembly. After such transfer, the Bill shall be deemed to belong to the Legislative Department.

Notwithstanding anything contained in Rule 35, measures designed solely to codify and consolidate existing enactments and legislation of a formal character such as repealing and amending Bills may be initiated in the Legislative Department:

Provided that the Legislative Department shall send a copy of the Draft Bill to the department which is concerned with the subject-matter for consideration as an administrative measure and the department to which it is sent shall forthwith make such enquiries as it thinks fit and shall send to the Legislative Department its opinion thereon together with a copy of every communication received by them on the subject.

(1) When a Bill has been passed by the Legislature, it shall be examined in the department concerned and the Legislative Department and shall be forwarded to the Governor with— a report of the Secretary of the department concerned as to the reasons, if any, why the Governor's assent should not be given; and a report of the Secretary, Legislative Department, as to the reasons, if any, why the Governor's assent should not be given or the Bill should not be reserved for the consideration of the President.

(2) Where the Governor directs that the Bill should be reserved for the consideration of the President or returned to the Legislature with a message, necessary action in that behalf shall be taken by the Secretary to the Governor in consultation with the Secretary to the Administrative Department concerned and the Secretary, Legislative Department.

(3) After obtaining the assent of the Governor or the President, as the case may be, the Legislative Department shall take steps for the publication of the Bill in the "Official Gazette" as an Act of the Legislature.

All Administrative Departments shall consult the Legal Remembrance on:

1. the construction of Statutes, Acts, Regulations and Statutory Rules, Orders and Notifications; any general legal principles arising out of any case; and the institution or withdrawal of any prosecution at the instance of any administrative department.
2. Every such reference shall be accompanied by an accurate statement of the facts of the case and the point or points on which the advice of the Legal Remembrance is desired.

In addition, the Transport Department also requires including a brief summary of the feedback received from stakeholders (including government departments and the public) along with its response in the note for the Cabinet along with the draft legislation. The Transport Department places the summary of the pre-legislative process before the department related Legislative Assembly Standing Committee when the proposed legislation is brought to the State legislative Assembly.

After the Cabinet approves the Bill, it is introduced in the Legislative Assembly. On introduction of the Bill, the Transport Minister may send notice demonstrating the intention that the Bill may be moved, considered and passed; be referred to the Select Committee of the assembly/ Joint Committee of the assembly or for eliciting public opinion.

Once the Bill is taken for consideration, perusal must be made on clause-to-clause basis and the same may be accepted, amended or rejected. Subsequently, the House votes on the Bill with amendments, if any. If the Bill is passed in State Assembly, a copy of the Bill is sent to Legislative Department of Ministry of Law and Justice for scrutiny. Post scrutiny by the Ministry of Law and Justice, it is presented to the Governor of West Bengal for assent. The Governor has the right to seek information and clarification about the Bill, and may also return it to the State legislative Assembly for reconsideration. After the Governor gives his assent, the Bill is notified as a State Act.

Subsequently, the Bill is brought into force, and rules and regulations to implement the Act are framed by the Transport Ministry. The post legislative process include the awareness generation of the act or rules, putting up enforcement mechanism as per the new act or rules and ensure compliance of the same on the ground effectively and efficiently.

## Recommendations

- Improve the capacity of rulemaking officials at Transport Department, Government of West Bengal.
- Provision of required human resources and for funds to hire technical and legal professionals for effective processes of act or rulemaking to improve its efficacy and efficiency
- Provision of legal library at Transport Department level for literary, theoretical and other references
- Interstate Exposure of the rulemaking committee members of Transport Department, Government of West Bengal

- Need of publicising the draft rules other than the gazette and using online platforms of social media for inviting public comments on the draft rules for engaging wider road users and common consumers.
- After passage of the Act, sufficient provisions for popularising the provisions of the Act and corresponding rules among the service providers as well as common consumers across the state.
- More involvement of road safety experts and professionals from PWD, NHAI and other road making agencies and research institutions has to be ensured.
- Interactive channels has to be established between Ministry of Road Transport and Highways, Government of India and state transport departments at pre legislative, legislative and post legislative phase of act and rule making.

## 13. Legislative Assessment of the Road Safety at National Level and Delhi (Union Territory)

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### Outline of Laws and Rules/Regulations

#### ***Legislative Process in India and Delhi***

In India, the law making bodies are Parliament at the Central level and Legislative Assemblies and Councils (wherever applicable) at the state level. Parliament consists of two Houses: the Lok Sabha, or 'House of the People,' and the Rajya Sabha, or 'Council of States.' The process of law making, in relation to Parliament, may be defined as the process by which a legislative proposal brought before it, and then is translated into the law of the land. It can be broadly divided into three stages/phases:

- Pre-legislative
- Legislative
- Post-legislative

Pre-legislative phase comprises identification of need for a new law or an amendment to an existing legislation, drafting of the proposed law, seeking inputs/comments from different ministries and public, revision of the draft bill to incorporate such inputs, and getting the same vetted by the Law Ministry. It is then presented to the Cabinet for approval.

The government has issued a Pre-legislative Consultation Policy to ensure efficient pre-legislative scrutiny of a legislative proposal, in consultation with stakeholders. It includes publishing/ placing in public domain. The draft legislation or at least the information that may *inter alia* include brief justification for such legislation, essential elements of the proposed legislation, its broad financial implications, and an estimated assessment of the impact of such legislation on environment, fundamental rights, lives and livelihoods of the concerned/affected people, etc; an explanatory note explaining key legal provisions of the draft legislation or rules, in a simple language; Summary of feedback/comments received from the public/other stakeholders.

In addition, the Department/Ministry concerned is also required to include a brief summary of the feedback received from stakeholders (including government departments and the public) along with its response in the note for the Cabinet along with the draft legislation. The Department/Ministry concerned places the summary of the pre-legislative process before the Department Related Parliamentary Standing Committee when the proposed legislation is brought to the Parliament and referred to the Standing Committee. After the Cabinet approves the Bill, it is introduced in the Parliament. On introduction of the Bill, the Minister of the concerned Department may send notice demonstrating the intention that the Bill may be moved, considered and passed; be referred to the Select Committee of the House/ Joint Committee of both Houses or for eliciting public opinion. Once the Bill is taken for consideration, perusal must be made on clause-to-clause basis and the same may be accepted, amended or rejected.

Subsequently, the House votes on the Bill with amendments, if any. If the Bill is passed in one House, it is then sent to the other House. In case of a deadlock between the two houses or in a case where more than six months lapse in the other house, the President may summon, though is not bound to, simple majority resolves a joint session of the two houses, which is presided over by the Speaker of the Lok Sabha and the deadlock. Once both the Houses pass the Bill, a copy of the Bill is sent to Legislative Department of Ministry of Law and Justice for scrutiny. Post scrutiny by the Ministry of Law and Justice, it is presented to the President for assent. The President has the right to seek information and clarification about the Bill, and may also return it to the Parliament for reconsideration.

After the President gives assent, the Bill is notified as an Act. Subsequently, the Bill is brought into force, and rules and regulations to implement the Act are framed by the concerned ministry. The same are then tabled in Parliament.

***Delhi (Union Territory)***

Section 3 of the Government of National Capital Territory of Delhi Act, 1991, provides for constitution of a Legislative Assembly in the National Capital Territory of Delhi. The transaction of Business of the Government of National Capital Territory of Delhi Rules provides that the Lieutenant Governor shall refer to the Central Government every Bill which:

(a) if passed by the Legislative Assembly, is required to be reserved for consideration of the President under the proviso to sub-clause (c) of clause (3) of Article 239AA or, as the case may be, under the second proviso to section 24 of the Act;

(b) attracts provisions of Articles 286, 287, 288 and 304 of the Constitution as applicable to the Capital; and

(c) relates to any matter which may ultimately necessitate additional financial assistance from the Central Government through substantive expenditure from the Consolidated Fund of the Capital or abandonment of revenue or lowering of rate of any tax.

Subject to any instructions, which may be issued from time to time by the Central Government, the Lieutenant Governor shall make a prior reference to the Central Government in the Ministry of Home Affairs or to the appropriate Ministry with a copy to the Ministry of Home Affairs in respect of the following matters:

(i) proposals affecting relations of Central Government with any State government, the Supreme Court of India or any other High Court;

(ii) proposals for the appointment of Chief Secretary or Commissioner of Police, Secretary (Home) and Secretary (Lands);

(iii) Important cases which affect or are likely to affect peace and tranquility of the National Capital Territory; and

(iv) cases which affect or are likely to affect the interests of any minority community, the Scheduled Castes/Scheduled Tribes or Backward Classes

In all cases, these references will be dealt with in consultation with other departments concerned and the Ministry of Law and Justice.

All references relating to Bills passed by the Legislative Assemblies of the Union Territory of Pondicherry and the National Capital Territory of Delhi and reserved by the Administrator for consideration of the President, will be dealt with in the Ministry of Home Affairs who will submit such Bills to the President after consulting the Ministry of Law and Justice and other departments concerned.

### ***Rule Making Committees***

Parliament has 24 subject-specific committees, which scrutinize laws. These committees also oversee the work of different ministries. The rules of Parliament should be updated so that instead of two committees, these 24 committees are empowered to review rules made by the ministries. Given their focus on overseeing specific technical and sectoral matters related to various ministries, such a change will bring much-needed rigour to the scrutiny of rules by Parliament.

### ***Ad hoc and Standing Committees***

Parliamentary Committees are of two kinds: *Ad hoc* Committees and the Standing Committees. *Ad hoc* Committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them and submit a report. The principal *Ad hoc* Committees are the Select and Joint Committees on Bills. Others like the Railway Convention Committee, the Committees on the Draft Five Year Plans and the Hindi Equivalents Committee were appointed for specific purposes. Apart from the *Ad hoc* Committees, each House of Parliament has Standing Committees like the Business Advisory Committee, the Committee on Petitions, the Committee of Privileges and the Rules Committee, etc.

### ***Other Committees***

Of special importance is yet another class of Committees which act as Parliament's 'Watch Dogs' over the executive. These are the Committees on Subordinate Legislation, the Committee on Government Assurances, the Committee on Estimates, the Committee on Public Accounts and the Committee on Public Undertakings and Departmentally Related Standing Committees (DRSCs). The Committee on Estimates, the Committee on Public Accounts, the Committee on Public Undertakings and DRSCs play an important role in exercising a check over governmental expenditure and Policy formulation.

### ***Committee on Private Members' Bills and Resolutions (Lok Sabha)***

This Committee consists of 15 members and the Deputy Speaker is its Chairman when nominated as a member of the Committee. The Committee is nominated by the Speaker. The functions of the Committee are to allot time to Private Members' Bills and Resolutions, to examine Private Members' Bills seeking to amend the Constitution before their introduction in Lok Sabha, to examine all Private Members' Bills after they are introduced and before they are taken up for consideration in the House and to classify them according to their nature, urgency and importance into two categories namely, category A and category B and also to examine such Private Members' Bills where the legislative competence of the House is challenged. The Committee, thus, performs the same function in relation to Private Members' Bills and Resolutions as the

Business Advisory Committee does in regard to government Business. The Committee holds office for a term not exceeding one year.

### ***Rules Committee (Lok Sabha)***

The Rules Committee consists of 15 members including the Speaker who is the *ex-officio* Chairman of the Committee. The members are nominated by the Speaker. The Committee considers matters of procedure and conduct of business in the House and recommends any amendments or additions to the Rules of Procedure and Conduct of Business in Lok Sabha that are considered necessary.

### ***Committee on Subordinate Legislation (Lok Sabha)***

The Committee consists of 15 members nominated by the Speaker. A Minister is not nominated to this Committee. The Committee scrutinises and reports to the House whether the powers to make regulations, rules, sub-rules, by-laws etc. conferred by the Constitution or delegated by Parliament are being properly exercised by the executive within the scope of such delegation.

### ***Power of State and Centre to Legislate***

Article 246 (2) confers a concurrent power of legislation on both the Centre and states with respect to any of the matters enumerated in the Concurrent List. In this area, therefore, both the levels of government can function simultaneously. Concurrent List consists of 47 subjects. New entries 11-A, 17-A, 17-B, 20-A and 33-A have been added by constitutional amendments. Both Centre and states can make laws on subjects mentioned in the Concurrent List. But in case of conflict between the Central and State law on concurrent subjects, the Central law will prevail. There are exceptional situations where in the Parliament has been given supreme power to legislate: National interest, emergency, with consent of the state and break down of national machinery.

## **Laws related to Transportation**

### ***State Legislations***

1. The Delhi Motor Vehicles Rules, 1993: In exercise of the power conferred under the section 28, 38, 65, 95, 96, 101, 111, 138, 176, 211 and 213 read with section 2 (41) of the Central Motor Vehicles Act, 1988. The Lt Governor of Delhi has legislated these rules for Delhi.
2. The Delhi Motor Vehicles Taxation Act, 1962: This Act imposes tax on the Motor Vehicles in the territory and other such connected matters.
3. Motor Vehicles Accident Claims Tribunal Rules, 2008: Whereas the draft of the Delhi Motor Accidents Claims Tribunal Rules, 2008 was published in Part-IV of the Delhi Gazette-Extraordinary vide F. 19 (125)/Tpt./Sectt./2007/597 dated 3rd September 2008 as required by sub-section (1) of section 212 of Motor Vehicles Act, 1988 (59 of 1988), Now, therefore, in exercise of the powers conferred by section 176 read with clause (41) of section 2 and sub-section (1) of section 212 of Motor Vehicles Act, 1988 (59 of 1988), and in partial supersession of Chapter IX of the Delhi Motor Vehicles Rules, 1993 relating to Claims Tribunals, made vide this Government's Notification No. F



2(1)/93-Law dated June 21, 1993 the Lieutenant Governor of the National Capital Territory of Delhi is pleased to make the rules.

### ***Central Legislations***

- Notifications under Motor Vehicle Legislations
- Central Motor Vehicles Rules 1989The Motor Vehicles Act, 1988
- The Carriage by Road Act, 2007 And Rules: An Act to provide for the regulation of common carriers, limiting their liability and declaration of value of goods delivered to them to determine their liability for loss of, or damage to, such goods occasioned by the negligence or criminal acts of themselves, their servants or agents and for matters connected therewith or incidental thereto
- The Control of National Highways (Land and Traffic) Act, 2002: An Act to provide for control of land within the National Highways, right of way and traffic moving on the National Highways and also for removal of unauthorized occupation thereon.
- The Central Road Fund Act, 2000 and Rules: The Central Road Fund was established by the Parliament by law (Central Road Fund Act 2000) in order to fund the development and maintenance of National highways, State highways and Rural roads
- National Highways Fee (Determination of Rates and Collection) Rules
- Notifications on National Highways
- National Highways Tribunal Rules
- The National Highways Authority of India (Amendment) Act, 2013
- The National Highways Authority of India Act 1998: For development, maintenance and management of National Highways
- Notifications regarding Automotive Industry Standards
- National Highways Rules 1957
- The National Highways Act, 1956: Central Highways passing through several states were being maintained by them but since the desired level could not be achieved the said Act was passed for declaration of certain highways as National Highways
- The Road Transport Corporations Act, 1950: For incorporation of Road Transport

### ***Supreme Court Guidelines***

- Good Samaritan Guidelines issued by Supreme Court in Save Life Foundation vs. Union of India [W.P Civil 235 of 2012]
- The Supreme Court Committee for Implementation of Road Safety: Suspension of the Driving Licence under Section 19 of the Motor Vehicles Act, 1988

### ***New Amendment***

- New Motor Vehicle Amendment Bill, 2016

## Law Making Process at National and Delhi (UT) Level

### *The Law Making Process*

Primarily Central Motor Vehicles Act, 1988, governs the transportation in India and the Central Motor Vehicle Rules, 1988 and the State Rules. The states and the Centre have well-defined roles and there is almost no overlapping of jurisdiction currently. There is a central law and rules legislated by the State Government. Since each state has different requirements, they have the freedom to make their own motor vehicles rules and successive amendments to laws.

The Centre is overhauling the regime by bringing in the Road Transport and Safety Bill, which will override the Motor Vehicles Act. Article 254 of the Constitution says in case of inconsistency between laws made by the Parliament and those made by state legislatures on matters listed in the Concurrent list, those made by Parliament will prevail. Item 35 in the concurrent list in the seventh schedule of the Constitution puts mechanically propelled vehicles, including the principle on which taxes on such vehicles can be levied, in the domain of both the Centre and the state governments. The official said though penalty for violation of traffic rules and the system of punching to record repeated violations would be enforceable by the new law; states would be free to frame other rules like those on issuing carriage permits.

A new law on public transport will allow the Centre to prevail over state governments in case of a dispute. The Road Transport and Safety Bill is likely to have a section saying the Union government should take road transport under its control.

The Indian Constitution gives the law making procedure to the Indian Parliament and in State-to-the State Legislature. The primary function of the Indian Parliament is to make laws and to revise or abrogate existing laws.

Bills passed by the Parliament generally falls into two categories:

- (a) Money bills and
- (b) Non-money or, ordinary or, public bills.

The procedures prescribed by the Constitution for passing the two categories of bills are different.

Procedure of passing ordinary or public bills-An ordinary bill has to pass through different stages before becoming an Act. An ordinary bill may be introduced in either House of the Parliament. The first stage is the introduction or the first reading of the bill. Ministers introduce most such bills. They are drafted by technical experts and approved by the Council of Ministers. Ordinary members of the Parliament may also introduce bills. One month's notice has to be given to the speaker or, the chairman of the Rajya Sabha before the introduction of the bill. Then on a date fixed by the speaker or the chairman, the mover rises on his seat to move the bill. This is the introduction or the first reading of the bill, which is a formal affair. No debate usually takes place at this stage. After introduction, the bill is published in the Gazette of India. The speaker or, the chairman may allow some bills to be gazette even before the first reading. Such bills do not require formal introduction in the Parliament.

The next stage in the life of a bill is the Second Reading, which usually takes place after an interval of two days after the first reading. At this stage, any of the four courses are adopted.

- (1) The bill may be taken for consideration by the House at once.
- (2) It may be sent to a select committee of the House.
- (3) It may be sent to a joint select committee of the two Houses and
- (4) It may be circulated for eliciting public opinion. Very rarely bills are taken up for consideration straight way.

When the 4<sup>th</sup> course is adopted, the Secretariat of the House concerned request the State Governments to publish the bill in the State Gazettes inviting opinions from local bodies and recognised associations. Such opinions are circulated among the members of the House.

#### Committee Stage

If the bill is referred to a Select Committee, the mover selects the members of the committee; the Speaker or the Chairman appoints one member of the committee, the chairman of the committee. The committee makes a careful study of the bill and reports back to the House.

#### Report Stage

The original bill along with the report of the Select Committee is circulated among the members. It is at this stage that the bill is debated clause by clause. At two stages in the career of a bill debates take place. The Second Reading is most crucial in the life of the bill while the Report stage is most important as giving final shape to the bill. After the bill is passed by a majority vote, it is submitted for the Third Reading.

The Third Reading like the First Reading is only formal. No debate takes place and no bill is rejected at this stage.

#### The Passage of the Bill in Other House

After the bill is adopted at the Third Reading, it's transmitted to the other House where it goes through all the stages as in the originating House. The other House may accept the bill. In that case it is sent to the President for his assent. The other House also may reject the bill or, may introduce amendments not acceptable to the original House or, may not return the bill within six months. In any of such case, a constitutional deadlock develops between the two Houses. The President may call a joint session of the two Houses to resolve the deadlock. The Speaker or in his absence the Deputy Speaker presides over such joint sessions. The deadlock is dissolved by majority vote.

#### Presidential Assent

Finally the bill passed by both Houses goes to the President for his assent. If the President assents to the bill, it becomes a law. The President may return the bill for reconsideration. If the bill is sent back to the President with or, without amendments, the President cannot withhold his assent. This complicated and time consuming procedure is adopted to prevent hasty legislation.

## Rules and Regulations Governing the Risk Factors in Road Safety

### Speed

National Law Sections.	State Law	Speed Limit on Urban roads	Speed Limit on Rural roads	Power of local authorities to modify national speed limits. If yes what?	Speed Limit on Motorways	Recommendations
<p><b>Section 112(1)-</b> Limits of Speed</p> <p><b>Section 183</b> of MVA, 1988 deals with punishments and penalties for driving at excessive speeds.</p> <p><b>Section 184-</b> Deals with dangerous driving.</p> <p><b>Section 189-</b> Racing and trails of Speed.</p> <p><b>Section 110(1f)-</b> Power to central government to make laws relating to Speed governors.</p>	<p><b>Section 112(2)</b> of MVA, 1988 - State Government or any authority of behalf of State Government can fix speed limits.</p> <p><b>Section 116(1a)-</b>Power to erect signs. The State Government or any authority authorised in this behalf by the State Government may cause or permit traffic signs to be placed or erected in any public place for the purpose of bringing to public notice any speed limits fixed under sub-section (2) of section 112 or any prohibitions or restrictions imposed under section 115 or generally for the purpose of regulating motor vehicle traffic.</p> <p><b>Section 71(2):</b> A Regional Transport Authority shall refuse to grant a stage carriage permit if it appears from any time-table furnished that the provisions of this Act relating to the speed at which vehicles may be driven are likely to be contravened.</p> <p><b>Section 189:</b> Racing and trials of speed. Whoever without the written consent of the State Government permits or takes part in a race or trial of speed of any kind between motor vehicles in any public place shall be punishable with imprisonment for a term which may extend to one month, or with a fine which may extend to Rs 500, or with both.</p>			<p><b>Section 112(2)</b> of MVA, 1988 - State Government or any authority of behalf of State Government can fix speed limits.</p> <p><b>Rule 8.1</b> District Collector and District Magistrate in their respective jurisdiction shall have the power to impose speed limits.</p>	90 kms	The speedometers of vehicles shall have provision of having speed of up to 100 Km/Hour only rather than up to 300 or so. There has to be alarm system on high speed and speed governor as well fitted in new vehicles by design only.

### Drunk Driving

National Law	State Law	Drink-Driving law is based on BAC or other levels	BAC level of General Population .....g/dl	BAC level for young or Novice Drivers .....g/dl	Recommendations
<p><b>Section 9(8a, b):</b> The licencing authority can refuse to grant license to habitual drunkard/habitual addict of drugs/narcotic substance/psychotropic substance</p> <p><b>Section 19:</b> Power of licensing authority to disqualify from holding a driving licence or revoke such licence</p>	<p>Legal alcohol consumption age in Rajasthan is 21</p> <p>This provision is under Section 22 of the United Provinces Excise Amendment Act, 1976 which prohibits sale of liquor or intoxicating drugs under the age of</p>	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of	BAC level of Novice Drivers can be 20 mg. per 100 ml. blood

National Law	State Law	Drink-Driving law is based on BAC or other levels	BAC level of General Population .....g/dl	BAC level for young or Novice Drivers .....g/dl	Recommendations
<b>Section 185:</b> Penalties and punishment for Driving by a drunken person or by a person under the influence of drugs	21 for personal or others consumption		vehicle	exercising proper control over the vehicle	

### *Helmets*

National Law	State Law	Drink-Driving law is based on BAC or other levels	BAC level of General Population .....g/dl	BAC level for young or Novice Drivers .....g/dl	Recommendations
<p><b>Section 9(8a, b):</b> The licencing authority can refuse to grant license to habitual drunkard/habitual addict of drugs/narcotic substance/psychotropic substance</p> <p><b>Section 19:</b> Power of licensing authority to disqualify from holding a driving licence or revoke such licence</p> <p><b>Section 185:</b> Penalties and punishment for Driving by a drunken person or by a person under the influence of drugs</p>	<p>Legal alcohol consumption age in Rajasthan is 21</p> <p>This provision is under Section 22 of the United Provinces Excise Amendment Act, 1976 which prohibits sale of liquor or intoxicating drugs under the age of 21 for personal or others consumption</p>	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	BAC level of Novice Drivers can be 20 mg. per 100 ml. blood

The Motor Vehicles Act, to begin with, makes no exception. Section 129 of the Act 'empowers the State government to prescribe protective headgear to be worn by the driver or pillion rider of motor cycles other than a person who is a Sikh wearing a turban and to make such exemption as the State government thinks fit'.

Delhi Traffic Police officials say that though the Motor Vehicles Act (1988) makes it mandatory for bikers to wear helmets certified by the Bureau of Indian Standards (BIS), most riders do not comply with the rule.

The directive by state governments is only an enforcement of the CMVR, 1989. Rule 138 (4) (f) of Central Motor Vehicles Rules, 1989 makes it mandatory for the manufacturers of two-wheelers to supply protective headgears at the time of purchase of the two-wheelers.

While writ petition being W.P.(C) No. 7769/2009 was filed in public interest for a direction to respondents to effectively implement Section 129 of the Motor Vehicles Act, 1988 and Rule 138 of the Central Motor Vehicles Rules, 1989, writ petition being W.P.(C) No. 1538/2006 has been filed primarily seeking quashing of the amendment dated 16th September, 2005 in so far as it adds new sub-rule 4(f) to Rule 138 of Rules

1989 on the ground that the impugned sub-rule is unconstitutional and ultra vires of the Act 1988.

### ***Seat Belts***

<b>National law on Drink-Driving in place</b> <b>Mention Specific Sections</b>	<b>State law on Drink-Driving in place</b> <b>Mention Specific Sections</b>	<b>Drink-Driving law is based on BAC or other levels</b>	<b>BAC level of General Population .....g/dl</b>	<b>BAC level for young or Novice Drivers .....g/dl</b>	<b>Recommendations</b>
<p><b>Section 9(8a, b):</b> The licencing authority can refuse to grant license to habitual drunkard/habitual addict of drugs/narcotic substance/psychotropic substance</p> <p><b>Section 19:</b> Power of licensing authority to disqualify from holding a driving licence or revoke such licence</p> <p><b>Section 185:</b> Penalties and punishment for Driving by a drunken person or by a person under the influence of drugs</p>	<p>Legal alcohol consumption age in Rajasthan is 21</p> <p>This provision is under Section 22 of the United Provinces Excise Amendment Act, 1976 which prohibits sale of liquor or intoxicating drugs under the age of 21 for personal or others consumption</p>	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	BAC level of Novice Drivers can be 20 mg. per 100 ml. blood

The seat belt anchorage regulation has already been made mandatory with effect from April 2005. This requires mandatory fitment and wearing of seat belts in both front and rear seats of cars.

### ***Child Restraint System***

<b>National law on Drink-Driving in place</b> <b>Mention Specific Sections</b>	<b>State law on Drink-Driving in place</b> <b>Mention Specific Sections</b>	<b>Drink-Driving law is based on BAC or other levels</b>	<b>BAC level of General Population .....g/dl</b>	<b>BAC level for young or Novice Drivers .....g/dl</b>	<b>Recommendations</b>
<p><b>Section 9(8a, b):</b> The licencing authority can refuse to grant license to habitual drunkard/habitual addict of drugs/narcotic substance/psychotropic substance</p> <p><b>Section 19:</b> Power of licensing authority to disqualify from holding a driving licence or revoke such licence</p> <p><b>Section 185:</b> Penalties and punishment for Driving by a drunken person or by a person under the influence of drugs</p>	<p>Legal alcohol consumption age in Rajasthan is 21</p> <p>This provision is under Section 22 of the United Provinces Excise Amendment Act, 1976 which prohibits sale of liquor or intoxicating drugs under the age of 21 for personal or others consumption</p>	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	Alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle	BAC level of Novice Drivers can be 20 mg. per 100 ml. blood

Child restraint system has also been mandated with effect from October 2015



## Use of Mobile While Driving

National Law	State Law	Law applies to hand-held phones	Law applies to hands-free phones	Recommendations
<b>Section 184:</b> Dangerous Driving includes Jumping red light/violating stop sign/using handheld communication devices/overtaking/driving in wrong side.	Yes Penalty: Rs 300	There is no provision for using hands free phones in the MVA 1988, CMVR, 1989 and Delhi Motor Vehicles Rules, 1993	To avoid detection, people have started using hands free devices, which shall also be made an offence. Bluetooth devices attached with speakers are frequently fixed in the car and used for talking. So either the installation should be barred or manufacturer selling such car should be banned or fined for violating the proposed amendment in the law	There has to be some legal provision in the Section 184 for hands free communication devices as well to restrict their use while driving.

Delhi Traffic Police book drivers talking on cell phones under Section 184 of the Motor Vehicles Act and impose a penalty of Rs 1,000. There is also a provision of jail term of up to six months. The traffic courts concerned decide about this.

There are only a few prosecutions under this section. Till May 25, 2017, the traffic police prosecuted about 700 people talking on mobile while driving while they issued 8,000-10,000 *challans* every day for all offences. In 2012, the number of offenders booked for talking on mobile phone while driving was 1,700.

### High/Low Beam Use

In Delhi, there is a penalty for using High Beam under Section 112(4)(A)&(C) 177 MVA and imposition of a fine of Rs. 100. According to rule 106 of the Central Motor Vehicles Rules, 1989 it is stated that headlights of a Car has to be constructed, fitted and maintained in a manner so that it is “permanently deflected downwards to such an extent that it is not capable of dazzling any person.” That means the responsibility is on the vehicle-owner to see that no tampering with the headlamps takes place.

The law is also very clear on the usage of both headlights and tail (rear) lights. According to rule 105 of the Central Motor Vehicles Rules, 1989 it is stated that vehicles which are driven on the public roads should be lit with two or four head lamps after half an hour of the sunset or in case of insufficient lights to make it discernibly visible to others on road (both persons and vehicles) who are at a distance of 155 metres ahead.

## Recommendations

**1. Collection of statistics for impact of existing legislations:** There is missing legal research in the area where collection of statistics for proper identification of gaps in the existing legislation and changes required for making suitable amendments while drafting should be done. Inviting suggestions of stakeholders at pre-, during and post drafting stage can help shaping legislations in a better way to fill the gap. This includes Motor Vehicles Amendment Bill which is due for the passage in the current monsoon session.



**2. Overall amendments to find solution to issues like road safety:** Roads will not become safe alone by increasing penalties or amount of fine. There is need for overall amendments to resolve problems involving road safety. Further, the drinking as cause of accident needs reconsideration in view of recent accidents.

**3. Special focus areas for urban road safety:** Road safety legislations should be tailor made in terms of requirements with special focus on the following areas:

- Pedestrians
- Hawkers and baggers
- Imposition of heavy fines
- Installation of speed governors
- Driving by minor
- Drinking by minor
- Impact of traffic jam
- Car pooling
- Encroachments of the internal roads in city areas
- Installations of speed governors
- Traffic helpline is an important institutional framework which needs revamping

**4. Focus on education:** Each legislation should include budget, focus on awareness and education as one of the most important component but not restricted to schools and colleges alone.

- 4. Need to strengthen institutional organisations especially in urban areas:** Road accidents in urban city life are a day to day phenomenon and on highways. The institutions should provide effective implementation of rescue and relief especially where traffic delays can cause heavy loss of life and infrastructural modifications.

## 14. Legislative Assessment of Road Safety in Puducherry

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### Background

The Union Territory of Puducherry consists of four geographically separate areas - the districts of Puducherry and Karaikal, and the administrative units of Yanam on the east coast and Mahe on the west coast. The UT is spread over an area of 479 sq km with a population of 1,244,464 (2011 census). The UT has 9.2 lakh registered motor vehicles (as of March 2016) with a large percentage of the vehicles and people located in Puducherry district.

In 2015, according to MoRTH, Puducherry registered 1530 road traffic incidents resulting in 235 fatalities and 1552 injuries. In terms of road traffic accident severity (number of fatalities per 100 road traffic accidents), Puducherry (15.4) is the sixth lowest in the country. When compared with other UTs, Puducherry fares reasonably well in road traffic accident severity, coming in third after Dadra and Nagarhaveli (60.9) and Daman & Diu (60). Lakshadweep is the lowest - scoring a 0, followed by the Andaman & Nicobar Islands with 8.9.

### Legislative Framework

#### *Legislative Process in Puducherry*

As an Union Territory, Puducherry varies from states in its administration. In the 1962 Treaty of Cession, which deals with the handing over of French colonies of Puducherry, Yanam, Mahe, and Karaikal to India, it is noted that Puducherry will continue to have special administrative status. This status, of a Union Territory, albeit with its own Legislative Assembly and Chief Minister, means that many administrative decisions have to be given the green signal by the President of India or his representative, the Lieutenant-Governor (LG).

All notifications issued by the Government of Puducherry are in the name of the President/Administrator. The approval of the Finance Department is required before any orders or notifications are put out by a department (unless prior clearance has been given) when it comes to financial matters not covered under the Appropriation Act, or if it concerns land grants/mineral rights/forest rights/easements, or the creation or abolition of posts/changing strength of a service.

Any proposal which requires the finance department clearance, but has not received its concurrence can be proceeded with only after the Council of Ministers takes a decision to that effect. The Council's decision must be communicated to the Administrator (LG). Cases that might bring the Union Territory's government into controversy with the Centre must be brought to the notice of the LG at the earliest. Before issuing orders, matters relating to the following list must be brought to notice of LG by the Chief Minister:

1. Policy questions
2. Where peace of the UT may be affected
3. Affect the interests of minority communities
4. Affect relations with another state, SC, Madras HC
5. Constitution of advisory boards under the Maintenance of Internal security Act
6. That may have to be referred to the Centre
7. Pertaining to LG's Secretariat and Office
8. Issuing of Rules under any Act in force in the UT
9. New taxation proposals
10. Mercy pleas (on death sentences)
11. Dissolution of the Legislative Assembly

These requirements apply in general to any case/issue taken up by the government. These are applicable to proposals to initiate legislations as well.

### ***Initiation of Legislation***

Legislation may arise out of the concerned department perceiving a need for it, wherein senior bureaucrats may marshal their arguments for said legislation and submit the same to the minister concerned. This need for legislation may also be initiated by representations from interest groups -- citizens, industries, non-profits, etc. A third potential route is that the legislation/policy begins with an announcement to the effect by the Minister/Chief Minister. The recently drafted Transport Policy in Puducherry came about when the Chief Minister announced in the Legislative Assembly that Puducherry would have a comprehensive Transport Policy in the next few months.

### ***Consultation with Law and Finance Departments***

The Rules of Business of the Government of Pondicherry 1963 also note that any proposal to initiate legislation must be shared by the concerned department with the Law Department for vetting. This precedes the submission of the law to the Chief Minister. The consultation with the Law Department would cover the need for such legislation; if the UT has the power to enact said legislation; whether the President's previous sanction is required; if the legislation is consistent with the Constitution (particularly fundamental rights).

Once this consultation is done, the concerned department shall consult with the finance department, if the legislation involves expenditure from the Consolidated Fund of India, to prepare a financial memorandum. This is then shared with the law department with a request to draft the bill. Once the bill is drafted, it is returned to the concerned department.

### ***After Drafting of the Bill***

Once the Bill is drafted, the Administrative Department is charged with obtaining the opinion of officers and bodies as it deems necessary on the draft Bill and submit it to the Minister-in-charge. Once the Minister approves the draft Bill, it is circulated to other Ministers and to the LG. The draft Bill is then placed before the Council of Ministers and if the bill is approved, the concerned department will send the draft Bill back to the Law Department to prepare a final draft.

Once the Law Department finalises the draft, they send it to the concerned department indicating if there are any sanctions required for the Bill. If there are changes in the Bill that relates to expenditure from the Consolidated Fund of the UT, the Bill goes again to the Finance Department for sanction and if required a financial memorandum.

The Law Department then places the Bill in the Legislative Assembly. When the Legislative Assembly has passed a Bill, the concerned department and the Law Department shall examine it and then each department will put together a report as to whether the LG's assent should be given. The Law Department also weighs in on whether the Bill must be reserved for the President's consideration. The Bill and the reports are presented to the LG for his/her consideration. Based on this the LG decides if the Bill must go to the President or be returned to the Assembly with points for reconsideration or decides to give his/her assent. Once the LG/President gives his/her assent, the Law Department will publish the Bill in the Gazette.

### ***Issuance of Rules, Notifications, Orders***

Any department that wishes to issue a rule, notification, order under any Act, must consult the law department. This also holds true if any department wishes to institute or withdraw any prosecution arising out of any case or prepare any important contracts involving the government.

## **Pondicherry Motor Vehicles Rules 1989**

Mechanically propelled vehicles and their taxation is found in the Concurrent List of the Seventh Schedule of the Constitution, meaning both the Centre and the States have the power to legislate on the subject. Under the Central Motor Vehicles Act 1988 and its Rules, specific powers are given to States which are detailed, in this case, in the Pondicherry Motor Vehicles Rules 1989.

The Rules provide for the following exemptions:

1. All regulations in Chapter II of the MV Act, i.e. pertaining to licencing of drivers of motor vehicles, for drivers of road rollers, graders, and other vehicles designed and used solely for the construction, repair and cleaning of roads
2. Payment of fees for issue and renewal of driving licence under Chapter II, for the Consul General, Deputy Consul General and Vice Consul General of France in Pondicherry and any person chosen for allotment of motor vehicles under any scheme sponsored by the Government of Pondicherry for the welfare of the weaker sections of society
3. Payment of registration fees by foreign consular offices; international organisations or associations (bodies that in the opinion of the Government are engaged in development of the economic resources and production capacities of the country), and their officers as may be notified by the Government; owners of tractors to be used solely for agricultural purposes; motor ambulances, hearses, and other vehicles designed and intended exclusively used for affording free medical and other relief; any Government
4. All regulations in Chapter IV, i.e. pertaining to registration of motor vehicles for road rollers, graders and other vehicles designed and used solely for construction, repair, and clearing of roads

5. The government may exempt any government department, local authority, association or bodies of individuals from payment of the fee (or reduce the fee) for providing a copy of the registration details of the motor vehicle
6. Any transport vehicle used as a relief vehicle from Section 66(1) which lays out the necessity for a permit
7. Persons belonging to Scheduled Castes and Scheduled Tribes up to one-fourth the prescribed fees
8. From hours of work provisions for any transport vehicle used by or on behalf of any military or police authority in connection with military manoeuvres or exercises or in the quelling of riots or civil disturbance, any fire brigade vehicle or ambulance when being used as such; any vehicle being used to carry passengers or relief material in an emergency; any vehicle proceeding to its nearest place of halt.

## Legislative Assessment Findings

Despite the strong institutional and legislative frameworks, it is evident from the road fatalities in the state that the regulatory framework necessary for enforcement is weak.

### Speed

National Law	State Law	Speed limits for urban and rural roads, highways	Power of local authorities to modify national speed limits. If yes what?
<p><b>Section 112 of Chapter VIII: Limits of speed:</b> (1) No person shall drive a motor vehicle or cause or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed or below the minimum speed fixed for the vehicle under this Act or by or under any other law for the time being in force: Provided that such maximum speed shall in no case exceed the maximum fixed for any motor vehicle or class or description of motor vehicles by the Central Government by notification in the Official Gazette.</p> <p>(2) The State Government or any authority authorised in this behalf by the State Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the</p>	Same as National Law	As per Section 112 (2) of MV Act, 1988 State Government or any authority of behalf of State Government can fix speed limits. No specific data is available in public domain	<p>G.S.R.290(E), dated 15.04.2015 issued by MoRTH amends Rule 118 of the CMVR empowering states to fix speed limits not exceeding 80kmph. The same notification fixes the maximum speed of certain vehicles at 80kmph.</p> <p>Commissioner of Police, Greater Chennai and Superintendent of Police in the districts can suggest speed limits &amp; designate roads as main roads, subject to approval of STA/ RTA. This provision has been implemented in state of Tamil Nadu</p>

National Law	State Law	Speed limits for urban and rural roads, highways	Power of local authorities to modify national speed limits. If yes what?
<p>nature of any road or bridge, by notification in the Official Gazette, and by causing appropriate traffic signs to be placed or erected under Section 116 at suitable places, fix such maximum speed limits or minimum speed limits as it thinks fit for motor vehicles or any specified class or description of motor vehicles or for motor vehicles to which a trailer is attached, either generally or in a particular area or on a particular road or roads: Provided that no such notification is necessary if any restriction under this section is to remain in force for not more than one month.</p> <p>(3) Nothing in this section shall apply to any vehicle registered under Section 60 while it is being used in the execution of military manoeuvres within the area and during the period specified in the notification under sub-section (1) of Section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (5 of 1938)</p>			

### ***Drunk Driving***

National Law	State Law	Drink-Driving law is based on BAC or other levels	BAC level of General Population (g/dl)	BAC level for young or Novice Drivers (g/dl)
<b>Section 185:</b> Driving by a drunken person or by a person under the influence— Whoever, while driving, or	Same as national law	On Blood Alcohol Content (BAC) level as mentioned in the MV Act, 1988 and CMVR,	30 mg per 100 ml of blood. (Section 185 of MV Act, 1989)	Though there is no provision for BAC level for young or Novice Drivers but as per best practice of US, it

National Law	State Law	Drink-Driving law is based on BAC or other levels	BAC level of General Population (g/dl)	BAC level for young or Novice Drivers (g/dl)
attempting to drive a motor vehicle, - (a) has, in his blood, alcohol exceeding 30 mg per 100 ml of blood detected in a test by a breath analyser, or,(b) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two years, or with fine which may extend to Rs, 3,000, or with both.		1989		can be lowered down up to 0.02 percent

### ***Motorcycle Helmets***

National law	State law	Law applies to motorcycle drivers and adult passengers	Law applies to all road types	Law applies to all engine types	Law requires helmet to be properly fastened	Law requires helmet to meet a national or international standard	Law requires children to wear helmet



National law	State law	Law applies to motorcycle drivers and adult passengers	Law applies to all road types	Law applies to all engine types	Law requires helmet to be properly fastened	Law requires helmet to meet a national or international standard	Law requires children to wear helmet
<b>Section 129: Wearing of protective headgear:</b> Every person driving or riding (otherwise than in a side car, on a motor cycle of any class or description shall, while in a public place, wear protective headgear conforming to the standards of BIS: provided that the provisions of this section shall not apply to a person who is a Sikh, if he is, while driving or riding on the motor cycle, in a public place, wearing a turban: Provided further that the State Government may, by such rules, provide for such exceptions as it may think fit	Same as national law	Yes	Yes	Yes	There is no specific provision for fastening the helmet properly in the MVR, 1989 or MV Act, 1988 and CMVR, 1989. So it is recommended to have some legal provision of penalty in case if helmets are not fastened.	Yes (BIS)	Yes

### ***Seat Belts***

National Law	State Law	Law applies to drivers and front seat passengers	Law applies to rear seat passenger
<p><b>CMVR 1993 Amendment. Rule 125:</b> Safety belt, collapsible steering column, auto-dipper and padded dash boards.</p> <p>341[(1)] One year from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1993, the manufacturer of every motor vehicle other than motor cycles and three-wheelers of engine capacity not exceeding 500 cc, shall equip every such vehicle with a seat belt for the driver and for the person occupying the front seat.</p> <p>342[(1-A)] The manufacturer of every motor vehicle of M-I category shall equip every motor vehicle with a seat belt for a person occupying the front facing rear seat: Provided that the specifications of Safety Belt Assemblies and Safety Belt Anchorages in motor vehicles shall conform to AIS: 005-2000 and AIS: 015- 2000 specifications, respectively, as may be amended from time to time, till such time as corresponding Bureau of Indian Standards specifications are notified:</p>	Same as the national law	Yes	Yes (Rear seated occupants who are sitting by facing front side only). But it is recommended that passengers who are side faced shall also be wear seat belts compulsorily and concerned sections shall be amended for this

National Law	State Law	Law applies to drivers and front seat passengers	Law applies to rear seat passenger
Provided further that on and after 1st October, 2002, the specification of Safety Belt Assemblies and Safety Belt Anchorages in motor vehicles shall conform to AIS: 005- 2000 and AIS: 015-2000 specifications, respectively.]			

### ***Child Restraint System***

National Law	State Law	Law is based on age-weight-height or a combination of these factors	Law restricts children under a certain age-height from sitting in front seat
There is no specific provision for Child Restraint System in the MVR, 1989 or MV Act, 1988 and CMVR, 1989	None	Same as national laws	Same as national laws

### ***High/Low Beam Use***

National Law
<p><b>CMVR Rule 106</b></p> <p>Deflection of lights.—(1) No lamp showing a light to the front shall be used on 235[any motor vehicle including construction equipment vehicle] (whether fitted with single or dual head lamp) unless such lamp is so constructed, fitted and maintained that the beam of light emitted there from—</p> <p>236[(2) is permanently deflected downwards to such an extent that it is not capable of dazzling any person whose eye position is,—</p> <p>(A) at a distance of 8 metres from the front of lamp,</p> <p>(B) at a distance of 0.5 metre to the right side of the lamps, i.e., fitted at right extreme of the vehicle, from the right edge of the lamp, and C) at a height of 1.5 metres from the supporting plane of the vehicle:</p> <p>237[(a)***]</p> <p>(b) is capable of being deflected downwards by the driver in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid;</p> <p>(c) is capable of being extinguished by the operation of a device which at the same time causes a beam of light to be emitted from the lamp which complies with the provision of clause (a);</p> <p>(d) is capable of being extinguished by the operation of a device which at the same time either deflects the beam of light from another lamp downwards or both downwards and to the left in such manner as to render it incapable of dazzling any person in the circumstances aforesaid, or brings into or leaves in operation a lamp which complies with the provisions of clause (a). [(2)] The provisions of sub-rule (1) shall not apply to any lamp fitted with an electric bulb, if the power of the bulb does not exceed 7 watts and the lamp is fitted with a frosted glass or other material which has the effect of diffusing the light.</p>

### ***Using mobile phone while Driving***

National Law	State Law
CMVR Rule 21(25) – avoidance of mobile phone while driving. This was added via GSR 221 (E) dated March 28, 2001	As per national laws

## Recommendations

- The legislation making process should be systematic and standard. Currently, there are multiple ways by which a policy or rule change can be initiated and there is no frequency for policy reform
- There should be a requirement for new policies to be comprehensive, innovative and reflective of the current needs
- There should be a specification regarding the timeframe from initiation of policy reform to its completion that is reasonable and rational
- There needs to be an explicit mention of the need to have a holistic policy consideration where the policy-making body pays specific attention to all aspects of a transport system, namely accessibility, safety, equity, efficiency and environmental and social aspects
- The policy making body while deliberating on policy matters within its jurisdiction/mandate should consider the implications of other policies as well as the impact of the policy under consideration upon those
- The policy making body while making the policy should set clear goals and define indicators that will help assess the extent to which the policy has been successfully implemented
- The policy making body while deciding upon any policy matter should give consideration to the manner in which the policy will be implemented, both in terms of clear ownership of each element of the policy as well as the capacity and institutional structure of each body that will be responsible for its implementation
- The systems for capturing data regarding licences and vehicle registration are in place. However, the sustained data collection and analysis regarding road safety outcomes needs to be strengthened. Actions should be based on the evidence and analysis
- There is a lack of accountability in road design, construction and maintenance. The departments also lack a robust monitoring system to track project execution and post-execution outcomes
- There has been little public participation in the drafting of the Road Safety Policy. The Transport Department regularly conducts road safety awareness programmes in local schools. This effort could be strengthened by hosting open house sessions and instituting mechanisms for citizen participation in achieving road safety outcomes
- There is very little information in the public domain. Though the Road Safety Policy was available online, there was no data on road safety milestones or outcomes
- There appear to be no rules to manage conflicting interests, nor was there such a need articulated. However, a policy should still be in place for recognising and managing conflicts of interest between different road users, public and private service providers
- There is no fixed tenure for senior bureaucrats; they tend to stay in a post for two-three years. Longer tenure could provide crucial stability in leadership in departments and may be significant to achieving necessary road safety coordination and outcomes

- With specific reference to risk factors, there are certain gaps that need to be filled. These include framing of necessary legislative provisions and strengthening their application by all executing authorities

## 15. Conclusion and Key Learnings across States and Union Territories

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### Governing Legislations

The laws, rules and regulations governing the domain of road safety across states are almost similar with minor differences. The states are governed by the Central Motor Vehicles Act (CMVA), 1989, State Motor Vehicles Rules in accordance with CMVA, 1989 and some local notifications, guidelines and general orders in accordance with the CMVA, 1989 and state rules.

At Central level, the issue of road safety is mainly governed by CMVA, 1988 and CMVR, 1989. There are other legal provisions which also play significant role in ensuring better implementation of road safety at Central government level. The Carriage by Road Act, 2007 and Rules, The Control of National Highways (Land and Traffic) Act, 2002, The Central Road Fund Act, 2000 and Rules, National Highways Fee (Determination of Rates and Collection) Rules, Notifications on National Highways, National Highways Tribunal Rules, The National Highways Authority of India (Amendment) Act, 2013, The National Highways Authority of India Act 1998, Notifications regarding Automotive Industry Standards, National Highways Rules 1957, The National Highways Act, 1956 and The Road Transport Corporations Act, 1950 also play crucial role in the area of road safety.

Other than Central and state rules and regulations, the Supreme Court guidelines and decisions, especially related to Good Samaritan Guidelines and the Supreme Court Committee for Implementation of Road Safety are also playing very critical role in putting in place required institutional arrangements as well as legal reforms to be taken up for ensuring road safety.

### Act or Rule Making Process

The process of making a new act or rules is almost similar in all targeted states with minor but significant differences. The need of having a new act or amending the new act or framing new rules and amending the existing rules is established by the Administrative Department which is the Transport Department in all targeted states and at Central government level. In Tamil Nadu, a potential route of forming a new act or rule could also begin with an announcement to the effect by the Minister/Chief Minister. Suggestions may also come in from various government committees, such as the Public Accounts Committee of the Legislative Assembly.

In most of the states, such as Rajasthan, Delhi and Central Government Level the Transport Department plays a significant role in pre-legislation, legislation and post legislation stages of any Bill or rule making process. But in some states, such as Telangana, West Bengal and Puducherry the Law Department plays a very crucial and active role in pre-legislation and legislation stages of any bill and the process of amendment in rules. In the act and rule making process other than the Transport Department and Law Department, Finance Department and parliamentary standing

committees and state legislative-level standing committees also play important role and participate in the process actively in almost all targeted states but in Puducherry, views of other ministries are also sought on the proposed new act or rules before it goes to State Legislative Assembly.

The process of passing a new law or rules is almost similar in all state legislative assemblies with minor differences. The post legislative role, which is also significant, of Transport Department is also same in almost all selected states and union territories. The Transport Department mainly holds the responsibility of all required measures after the enactment of the act or framing of rules for its popularisation, effective implementation and further revision or amendment.

## Key Learnings

- The overall capacity of the rulemaking officials at Transport Departments is limited and should be enhanced
- Most of the law making units face lack of human resources and funds to hire technical and legal professionals for effective rule making
- In most of the states, there is lack of legal library at Transport Department level for literary, theoretical and legal references. Legal Library facility should be developed at headquarters of the Transport Department
- There is a scope of publicising draft rules other than the gazette. Online platforms and social media should be utilised for inviting public comments on draft rules for engaging wider road users and common consumers
- Need for aggressive campaigning after passage of the new Act or rules in order to popularise the same
- Effective mechanism for convergence of all stakeholder departments and their active role in the legislative process
- The legislative body while making the legislation should set clear goals and define indicators to help assess the extent to which the legislation has been successfully implemented
- Some of the states take some innovative steps but discontinue the initiative. Like RADMS in Tamil Nadu which was developed for an exorbitant amount but after its initial phase of development and testing the officials do not use it. The reason that was cited was that there are other activities that demand the attention of the officials. Unfortunately, this is also the reason that the line departments do not have data for decision making.
- There is paucity of information about the adopted legislative process at state level and related information is not accessible to citizens and civil society.
- With specific reference to the risk factors, we find that there are certain gaps that need to be filled. These include framing the necessary legislative provisions and strengthening their application by all executing authorities.
- Lack of data and statistics for impact of existing legislations.



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