

**REPORT OF THE
COMMITTEE ON
ROAD SAFETY and TRAFFIC
MANAGEMENT**

February, 2007

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REPORT OF THE COMMITTEE ON ROAD SAFETY AND TRAFFIC MANAGEMENT

Introduction :

Road Safety is a multi-sectoral and multi-dimensional 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. In other words, its ambit spans engineering aspects of both, roads and vehicles on one hand and the provision of health and hospital services for trauma cases (in post-crash scenario) on the other. Road safety is a shared, multi-sectoral, responsibility of the government and a range of civil society stakeholders. The success of road safety strategies in all countries depends upon a broad base of support and common action from all stakeholders.

1.1 At a plenary meeting of the United Nations General Assembly on 14th April 2004, a resolution co-sponsored by India expressed grave concern about the large number of fatalities in road crashes. The World Health Organization also declared the year 2004 as the Year of Road Safety and launched World Health Day in April 2004 with the slogan – **“Road safety is no accident”**.

1.2 The World Report on Road Traffic Injury Prevention¹ of the World Bank and World Health Organization (WHO) in the year 2004 stated that road traffic injuries are a major but neglected global public

¹ http://www.who.int/world-health-day/2004/infomaterials/world_report/en/; accessed on 29.10.06

health problem requiring concerted efforts for effective and sustainable prevention. Of all the systems that people have to deal with on a day-to-day basis, road transport is the most complex and the most unsafe mode of transportation. The tragedy behind the regularly occurring road crashes attracts less media attention than other, less frequent but more unusual types of tragedies. The report forecasts that without any increased effort and new initiatives, the total number of road traffic injuries and deaths worldwide would rise by 65% between 2000-2020 whereas in low-income and middle-income countries, deaths are expected to increase by as much as 80%. The majority of such deaths are at present of “vulnerable road users, pedestrians, pedal cyclists and motorcyclists”. In high-income countries, deaths among car occupants continue to be predominant but risk per capita that vulnerable road users face is high. The report also underscored the concern about the detrimental impact of an unsafe road transport system on public health and global development. Obviously, the level of road deaths and injuries is unacceptable and to a large extent avoidable.

1.3 Thus, there is an urgent need to recognize the worsening road safety situation in order to take appropriate action. Road traffic injury prevention and mitigation should be given the same attention and scale of resources that are currently being channeled towards other predominant health issues, if increasing human loss and injury on the roads, with their devastating human impact and large economic cost to society are to be avoided.

1.4 According to WHO statistics (year 2002) about 11.8 lakh people die every year in road accidents, the world over, of which 84,674

deaths are reported to take place in India. In 2004 the number of deaths had increased to 92,618. The mortality rate in India is 8.7 per hundred thousand population as compared to 5.6 in UK, 5.4 in Sweden, 5.0 in The Netherlands and 6.7 in Japan. In terms of mortality per 10,000 vehicles, the rate in India is as high as 14 as compared to less than two in developed countries. The cost of road crashes has been assessed at one to two per cent of GDP in developed countries. A study by the Planning Commission in 2002 estimated the social cost of road accidents in India at Rs.55, 000 crore annually (2000 prices), which constitutes about 3% of the GDP.

1.5 With massive investment in roads and the exponential growth in the number of vehicles it has become necessary to have a system, which integrates all disciplines that influence road safety and which at the same time would have linkages with established institutions that cater to the different aspects of road safety viz. engineering, education, enforcement, medical and behavioural sciences.

2. **Constitution of the Committee** : On 13th January 2005, the Cabinet Committee on Infrastructure headed by the Prime Minister directed the Ministry of Road Transport and Highways to present a note to the Empowered Committee of Secretaries for the creation of a Directorate of Road Safety and Traffic Management and the amendment of traffic laws as required. Later, an Expert Committee under the Chairmanship of Shri S. Sundar, Distinguished Fellow, The Energy and Resources Institute (TERI) and former Secretary of the then Ministry of Surface Transport, Government of India was constituted to recommend a structure for the organization and advise on its role and functions. A copy of the Order No.25011/1/2005-RS

dated 23 November 2005 constituting the Committee is included as **Appendix II.**

3. **Terms of Reference:** The Terms of Reference given to the Committee were as under:

- i) To assess the magnitude of road traffic injuries and fatalities in India as a public health and economic problem;
- ii) To study international examples of organizations for road safety and traffic regulation with a view to drawing lessons for India;
- iii) To propose a Road Safety Organization at the Central Government level and recommend the functions and responsibilities of the proposed organization;
- iv) To suggest amendment of relevant traffic laws;
- v) To suggest the financing mechanisms for such an organization;
- vi) To suggest measures for rescue and relief of accident victims.

3.1 The Committee reviewed the Terms of Reference and decided to address road safety covering all types of roads including rural roads, district roads, state highways and national highways as about 60 to 65% of the fatalities occurred on roads other than the national highways. The Committee also co-opted Shri Balraj Bhanot, Chairman, Central Motor Vehicles Rules, Technical Standing Committee (CMVR -TSC) Shri O.P. Agarwal, Officer on Special Duty (OSD) in the Ministry of Urban Development and Shri Dilip Chenoy Director General, Society of Indian Automobile manufactures (SIAM)

to draw upon their expertise in the field of urban transport and vehicle related matters.

3.2 Position / Issue Papers : The Committee noted that many studies have been carried out in the country on various aspects of road safety, and it was necessary to review such studies. It was agreed that members of the Committee, taking into account the available studies, should prepare position/issue papers on each of the following or related subjects/areas:

Sl. No.	Areas/Subjects	Name of the expert to write a position paper	Annexure
1.	Data collection, reporting and analysis – structure and responsibilities	Dr. G. Gururaj	A
2.	Road safety research – institutional linkages	Prof. Dinesh Mohan	B
3.	Road related measures – design, setting standards and audit	Shri D.P. Gupta and Shri A.P. Bahadur	C
4.	Vehicle related measures – prescribing safety features, enforcing regulations	Shri Balraj Bhanot and SIAM	D

Sl. No.	Areas/Subjects	Name of the expert to write a position paper	Annexure
5.	Traffic laws, management and enforcement	Shri Ramendra Jakhu, Dr.P.S.Pasricha and Mr. Rohit Baluja	E
6.	Road user based strategies	Dr. Geetam Tiwari	F
7.	Public awareness and education	Dr. Geetam Tiwari	G
8.	Medical care and rehabilitation	Dr. Verghese Mathew and Dr.A.N.Sinha	H
9.	Legal and institutional framework for road safety	Shri S. Sundar	I

3.3 The issue papers referred to in Para 3.2 above were presented by individual members and discussed in the subsequent meetings. This report is based largely on the detailed consideration of the various papers / presentations. The Committee altogether held 11 meetings.

3.4 The Committee also heard the views/recommendations of certain experts namely, Dr. Patel, Transportation Specialist from USA and Dr. Qamar Ahmed, Joint Commissioner of Police, Delhi.

4. **Current Scenario of Road Safety** : The magnitude of road traffic accidents, fatalities and injuries in India as per Government data is quantified in Table 1:

Table 1 Road Accident Statistics

Year	All roads			National Highways		
	Accidents	Persons killed	Persons injured	Accidents	Persons killed	Persons injured
1999	386 456	81 966	375 051	103 839	28 713	98 427 (P)
2000	391 449	78 911	399 265	110 508	30 216	124 600
2001	405 637	80 888	405 216	115 824	32 108	119 592(P)
2002	407 497	84 674	408 711	131 738	33 621	132 307
2003	406 726	85 998	435 122	127 834	33 153	131 102
2004(P)	429 910	92 618	464 521	130 265	34 723	143 140

P Provisional

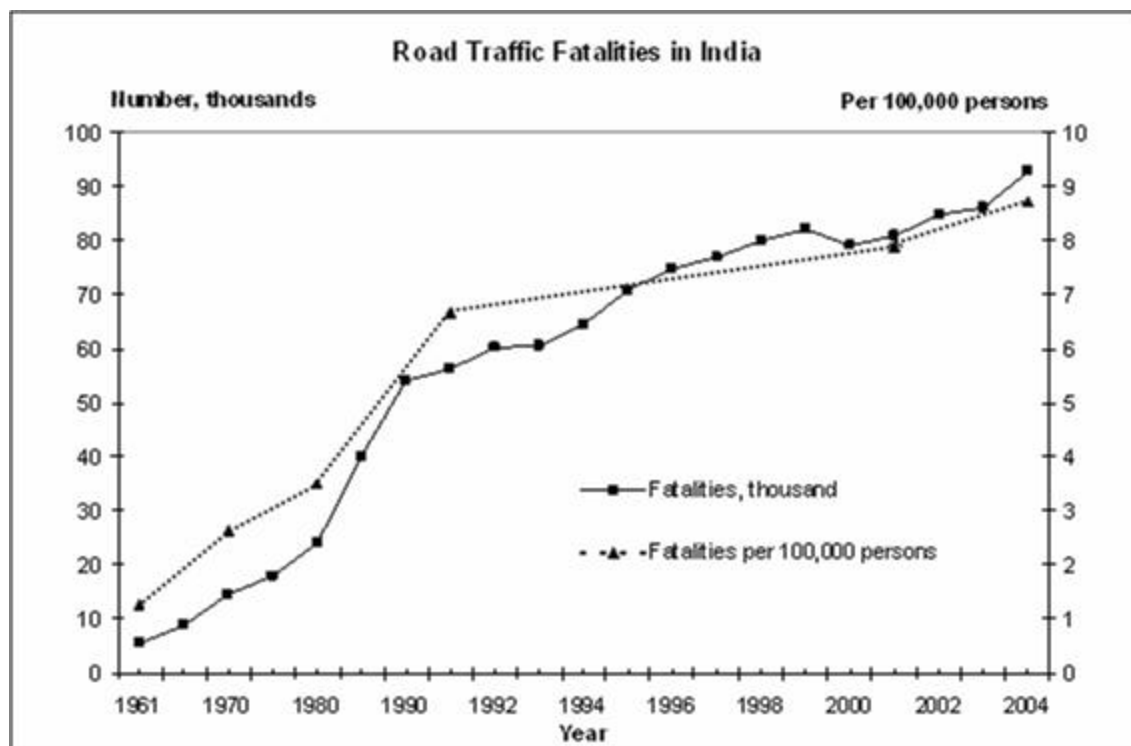
Source:MoSRTTH,2006

- 4.1 While the figure of fatalities may be close to the actual number of deaths in road accidents in India, the number of injuries reported appears to be underestimated. Various studies indicate that the actual number of injuries could be 15 to 20 times the number of deaths. The discrepancies in the number of deaths and injuries are a result of the application of different methodologies for the derivation of estimates. Furthermore, these figures do not account for growth in motor vehicle numbers in the coming years.
- 4.2 The estimated number of deaths, serious and minor injuries for the years 2005 and 2015 are provided in Table 2:

Table 2 Estimated road accident statistics for the years 2005 and 2015

Year	No. of deaths	No. of serious injuries	No. of minor injuries
2005	110 300	2 206 000	7 721 000
2015	154 600	3 092 000	10 822 000

4.3 The following figure shows the trend of road traffic fatalities in India over the past 45 years. It reveals that both absolute number of fatalities (bold line) and the fatalities per 100,000 population (dotted line) have been increasing monotonically.



It is apparent from the above figure that morbidity and mortality from road accidents is increasing rapidly. Road accidents victims are predominantly male, within the age group of 5 –44 years (>70%), the most productive section of our society. Children saved earlier from communicable and infectious diseases are now becoming victims of this man made epidemic. However, there is no organized programme

to combat morbidity and mortality on Indian roads while there are structured programmes to combat communicable diseases, with substantive allocation of plan funds. Table 3 indicates the number of fatalities reported from a few select communicable diseases and the plan allocation for combating these diseases as compared to the allocation for road safety.

Table 3 **Disease –related Mortality and Plan Allocation**

Diseases	Number of deaths	Centrally Sponsored Schemes	Outlay Xth Plan (2002-2007) (Crores Rs.)
Tuberculosis	37,639 (2004)	National TB Control Programme	680
Malaria	638 (2005)	National Vector Borne Diseases Control Programme (including Malaria, Kala-Azar, Filaria, Dengue and J.E.)	1370
AIDS	1094 (8286 cumulative till 2005)	National AIDS Control Programme including Blood Safety Measures and National S.T.D. Control Programme	1270
Road crashes	92618(2004)	*	187

* No significant and major scheme.

Sources:

IndiaStat.com <http://www.indiastat.com/India/ShowData.asp?secid=16&ptid=0&level=1> m), Ministry of Shipping Road Transport and Highways (2006) & Tenth Plan Document (http://planningcommission.nic.in/plans/planrel/fiveyr/10th/volume2/v2_app.pdf)

5. **Existing institutional set up for Road Safety in India:** 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 non-governmental organizations (NGOs).

5.1 Ministry of Shipping, Road Transport and Highways in the Government of India is the administrative ministry responsible for road safety efforts in the country. National Road Safety Council (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. The Transport Development Council (TDC) chaired by the Union Minister of Transport, with the Union Ministers of Commerce, Industry, Railways and Member in-charge of Transport in Planning Commission as members is a high level forum for the formulation of common policies for the development of road transport. It also includes all the Lt. Governors/Chief Commissioners of union territories and all Ministers in charge of Transport in the state governments.

5.2 The Transport Division of the Department of Road Transport and Highways deals with matters relating to safe movement of vehicles on roads and safety awareness among users. The Road Transport Division in the Ministry has three sections dealing with motor vehicle legislation, transport related matters and administration of road safety schemes. A Joint Secretary who is assisted by one Director and two Under Secretaries heads the Division. Engineering aspects of safety in the design, construction and operation of roads

are dealt with by the Roads Wing of the Department of Road Transport and Highways. It is headed by Director-General (Road Development) and Special Secretary assisted by two additional Directors General and some 16 Chief Engineers. The Roads Wing sets standards for safety in the design, construction and operation of national highways in consultation with the Indian Roads Congress (IRC).

5.3 The Transport Research Wing in the Ministry of Shipping, Road Transport and Highways collects and publishes transport statistics. The National Crime Records Bureau also plays a major role in the collection and maintenance of data on road accidents, injuries and fatalities.

5.4 National Highways Authority of India (NHAI), set up by the Government of India in 1988 under an Act of Parliament, has been entrusted with the task of implementing the massive National Highway Development Projects (NHDP). Many of its activities are outsourced to consultants and contractors and engineering measures to ensure road safety are required to be built into the development and upgradation of the national highways by the consultants and contractors. NHAI also deploys ambulance services and highway patrolling to provide medical care for accident victims.

5.5 **State Governments:** The Motor Vehicles Act of 1988 states that each State should have a Road Safety Council (SRSC) headed by the Minister in charge of Transport for the state government on the lines of the National Road Safety Council.

5.6 Other Organizations: The other organizations working in the area of road safety are:

- Indian Roads Congress (for laying down standards and guidelines for road and bridge engineering including road safety);
- Central Road Research Institute, New Delhi (a Laboratory of the Council of Scientific and Industrial Research (CSIR) that carries out research and development in the field of road, road safety and transportation);
- Automotive testing and research institutions – Central Institute of Road Transport (CIRT), Pune, Automotive Research Association of India (ARAI), Pune, Vehicle Research and Development Establishment (VRDE), Ahmednagar;
- Universities and academic institutions like Indian Institute of Technology (IIT), National Institute of Technology (NIT) School of Planning and Architecture (SPA), National Institute of Mental Health and Neuro Sciences (NIMHANS) etc., and;
- Other NGOs like Institute of Road Traffic Education (IRTE).

5.7 The Government of India has also approved a project – The National Automotive Testing and Research Implementation Project (NATRIP), which involves setting up independent automotive testing centres within the three automotive hubs in the country, at Manesar in Northern India, Chennai in Southern India and Pune and Ahmednagar in Western India. NATRIP also envisages setting up of comprehensive testing and validation facilities, including field tracks ,for agricultural tractors, trailers, construction equipments and various other off-road vehicles at Rae Bareilly in Northern India. The Centres

will also house India's first state-of-the-art Road Accident Data analysis facilities. Two specialized Driving Training Centres will be set up, one at Silchar in North Eastern India (for specialized hill area driving) and the other at Rae Bareilly in Northern India (for specialized vehicles).

5.8 Border Roads Organization is involved in the construction of strategically located roads in border areas.

5.9 The National Institute for Training of Highway Engineers (NITHE) was established in 1983 under the Ministry of Shipping, Road Transport and Highways, and it organizes in service training programmes for highway engineers of Central/ State Governments, consultants and contractors on all areas relating to roads and road transport, including road safety.

5.10 It can thus be seen that a large number of organizations are involved in road safety. Authorities like NHAI, PWDs in the states and local bodies are responsible for construction and maintenance of roads; State Transport Authorities are responsible for issue of driving licenses, registration of vehicles and fitness of vehicles; Police is responsible for regulating traffic, enforcing laws and educating the public on road safety issues; Urban development authorities deal with land use and urban road planning; Health departments are responsible for medical care of accident victims; Insurance companies provide insurance cover and compensation. There is, however, no coordination among the different agencies. Besides, the agencies lack skilled professionals dedicated to road safety. Research issues are not being identified keeping in view the

conditions in India and research is not also being funded adequately. Furthermore, crash investigations are not carried out using modern technology and a scientific approach. The data on road accidents, injuries and mortality is both inadequate and scattered. The data is also not analyzed systematically to provide a basis for policy.

5.11 From the description above of the existing institutional framework in the country to deal with road safety, the following conclusions emerge:

- Existing institutions are not fully equipped to deal with the increasing traffic on the roads or to adopt the advancements made in the techniques and technology that would promote road safety.
- Responsibility for road safety is diffused and there is no single agency to deal with a range of problems associated with road safety. There is also no effective mechanism for coordinating the activities of the different agencies dealing with road safety.
- The role of key ministries and public sector agencies in improving road safety is peripheral. It is not a priority area in their agenda for development.
- The NRSC does not have adequate statutory backing, budgetary resources or the mandate to be an effective organization for executing road safety plans in a missionary mode.

5.12 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 highly fragmented and diffused. With hardly any coordination among agencies much of the traffic control strategies adopted in India are far below international standards.

5.13 The Committee recognized that the promotion of road safety is an integrated activity involving multiple interventions. These interventions need to be combined and implemented in an integrated manner to derive the maximum benefits from each intervention. The Committee was also of the view that the programmes to promote road safety should be developed and implemented using the public health approach of identifying the problem and the risks, identifying the appropriate interventions based on cost effectiveness, sustainability and culture specificity, and finally evaluating these interventions by the actual reduction in injuries and deaths.

6. The Committee, as a part of its mandate, was required to carry out an international survey of the best practices adopted to promote

road safety in other countries, and identify lessons of relevance to India. Based on an analysis of the various issue papers and the study of international best practices, the Committee was required to suggest an organization to promote road safety in India

6.1 International Review of Road Safety Practices: The international review of road safety practices in some select countries carried out by TERI is summarized below. In selecting the countries for review, TERI took care to include countries, which have had a measure of success in reducing road accident related morbidity and mortality. Furthermore, TERI selected countries with a federal structure like India where the states have a substantive role to play in promoting road safety

6.2 United States of America: Traffic safety legislation in the United States of America was introduced in the mid 1960s through the US Highway Safety Act that required the development of national highway safety programmes with co-ordination between the federal government and the states. Each state was legally required to have a highway safety programme approved by the Secretary of Transportation of the federal government. Also, uniform standards covering crash reporting and investigation systems, vehicle registration, highway design and maintenance, traffic control, vehicle codes, traffic surveillance systems and emergency services were to be put in place and adopted by all states. In 1970, the Highway Safety Act established the National Highway Traffic Safety Administration (NHTSA) under the U.S. Department of Transportation. Today NHTSA is the central body in the United States

having the authority and resources to address the problem of road safety. It has the following key functions:

- Reducing deaths, injuries and economic losses resulting from motor vehicle crashes – done by setting and enforcing standards for safety performance by motor vehicles and vehicle equipment, and via grants to state and local governments to enable them to conduct effective local highway safety programmes.
- Investigating safety defects in motor vehicles, helping state and local communities reduce threat of drunken drivers, promoting the use of safety belts, child safety seats and air-bags, investigating odometer fraud, establishing and enforcing vehicle anti-theft regulations, providing consumer information on motor vehicle safety topics and setting and enforcing fuel economy standards.
- Conducting research on driver behaviour and traffic safety and developing efficient and effective means of bringing about safety improvements.
- Establishing a reliable database to define the problem and measure progress through annual performance yardsticks.
- Some of the laws/regulations administered by the NHTSA are²:
 - Motor Vehicle Safety
 - National Driver Register
 - Highway Safety
 - Information, Standards and Requirements (PART C)
 - Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA)

²http://nhtsa.gov/nhtsa/Cfc_title49/index.html; accessed on 26.10.2006

6.2.1 The NHTSA also works with other federal agencies and partners like NGOs, the private sector and state governments.

6.2.2 Just as the NHTSA is responsible for traffic safety; the Federal Highway Administration (FHWA) is responsible for ensuring safety and the upgrading of technology on America's roads. It coordinates with other Department of Transportation (DOT) agencies like NHTSA, the Federal Motor Carrier Safety Administration (FMCSA), and the Federal Railroad Administration (FRA) to develop and implement multi-faceted, intermodal safety programmes, and has an office in every state. Basically FHWA provides financial and technical support to state and local governments for constructing, improving and preserving their highways, the funds for which are derived from fuel and motor vehicles excise taxes.

6.2.3 The FHWA also administers infrastructure-related highway safety improvement programmes, to ensure implementation of which a Highway Safety Improvement Programme (HSIP) has recently been developed. As a part of this, the states are required to develop and implement on a continuing basis highway safety improvement processes, which the FHWA approves. Under a recently established law called the Safe, Flexible, Efficient Transportation Equity Act- A Legacy for Users (SAFETEA-LU), new resources and opportunities to advance highway safety throughout the country were spelt out. Some of the key provisions of the HSIP in SAFETEA-LU are as follows³:

- SAFETEA-LU provides over \$5.06 billion for HSIP over four years – FY'06 through FY'09.

³ safety.fhwa.dot.gov/safetealu/hsip_provisions.pdf: accessed on 22.05.06

- To obligate “core” safety funds a State must have in effect an HSIP under which the State (a) develops and implements a Strategic Highway Safety Plan (SHSP) that identifies and analyses highway safety problems and opportunities (b) produces a programme of projects or strategies to reduce identified safety problems (c) evaluates the plan regularly and (d) submits an annual report to the Secretary for Transportation of the federal government.

6.2.4 It can be seen from the above that although USA does not have a single body responsible for all aspects of road safety, the NHTSA enjoys adequate powers and funds to function as the focal body. What is also evident is that there is a plan and political commitment to progressively reduce morbidity and mortality from road accidents. The USA is committed to reduce by 2008 mortality from road accidents by 20% of the 1996 numbers. Also, more importantly, the arrangements in America recognise that in a federal structure the States have an important role to play. They provide for funding the States **subject** to their entering into an agreement with the federal government to implement approved road safety programmes, and on implementing the agreements to the satisfaction of the federal government

6.3 **Australia:** Australia is committed to reduce mortality from road accidents by 40% by 2010. In Australia, government responsibility for road safety is shared among jurisdictions. Individual states and territories are directly responsible for road traffic regulation and enforcement, driver training and licensing, road construction and maintenance, and road safety education campaigns. Each of the

states has a considerable degree of freedom to implement and achieve targets. The states, territories and local governments conduct their own comprehensive road safety programmes. These follow the broad framework of the National Strategy but reflect local imperatives.

6.3.1 The Australian Government has a national role that encompasses the following:

- Conducting research, collating and analysing statistics and facilitating stakeholder cooperation
- Funding strategic transport infrastructure and black spot improvements through the AusLink⁴ framework
- Regulating new vehicle standards and monitoring vehicle safety recalls.

6.3.2 The National Road Safety Strategy Panel established by the Australian Transport Council, equivalent to a Transport Ministry, monitors the co-ordination of road safety management. It provides a framework for coordinating the road safety initiatives of Australian states, territories and local governments, as well as other major organizations with road safety responsibilities. Besides guiding the National Strategy, this also provides a forum for information sharing and helps agencies to identify and promote best practices in road safety from successful states, to be implemented in the less successful states. The responsibility of annually monitoring the progress of the strategy with respect to the targets also rests with the Panel.

⁴<http://www.auslink.gov.au/>; accessed on 30.10.6

6.3.3 Another body, the Australian Transport Safety Bureau (ATSB) exists within the Australian Government Department of Transport and Regional Services (DOTAR), which is the prime agency for transport safety investigations. The bureau is entirely independent and separate from transport regulators and service providers. It carries out independent investigations of transport accidents and incidents. Based on its findings, it draws up safety action statements and recommendations. All ATSB investigations are 'no blame' - the emphasis being on providing improved safety conditions in the future. In addition to this they carry out safety data recording, analysis and research and raise awareness and knowledge about road safety. The Bureau's publications include reports on the facts and conclusions of investigations, safety research material, and statistics on national road fatalities, etc.

6.3.4 The above discussion of road safety management in Australia shows that Australia also has a political commitment to reduce road accident related morbidity and mortality. The National Road Safety Strategy Panel functions as the focal agency for coordinating and overseeing road safety activities in all the states.

6.4 **Sweden:** Sweden has been a front runner in the drive for a safe road traffic system. In October 1997, the Road Traffic Safety Bill founded on Vision Zero was passed by a large majority in the Swedish parliament. The Vision Zero is that "*eventually no one will be killed or seriously injured within the road transport system*" (Ministry of Transport and Communications, Sweden, 1997)⁵. Sweden is moving towards a zero tolerance policy and is committed as the

⁵ <http://www.monash.edu.au/muarc/reports/papers/visionzero.html>; accessed on 26.10.06

first step to reduce mortality by 50% of the 1996 statistics by the year 2007. The Swedish National Road Administration (SNRA) holds the overall responsibility of road safety and within the SNRA; the Traffic Safety Department monitors the road safety work. SNRA draws up plans, applies road transport regulations, and is responsible for planning, construction, operation and maintenance of the state roads and representing the state at a national level in road safety issues. Furthermore, it manages state-owned road network in counties and supervises the management of municipal roads. Besides this, the SNRA cooperates with insurance companies and the Swedish automotive industry, which is active in improving road safety by changing the design of vehicles. National Road Safety Co-operation carries out the overall co-ordination between the SNRA, police, municipalities and the NGOs. Police forces are responsible for surveillance and enforcement and the municipalities are responsible for road safety inside urban areas, except on roads outside the jurisdiction of the SNRA.

6.4.1 The Road Traffic Inspectorate was established in 2003. Based on road safety targets and using a holistic perspective, its task is to observe and analyse conditions that can have a substantial influence on the design and performance of the road transport system. Although managed immediately under the SNRA Board, its functioning is independent of the rest of the SNRA organization. In case where the responsibility does not rest with any other government agency, it initiates and finances research on transport safety, to be carried out by research institutes.

6.5 United Kingdom: The United Kingdom is also committed to reducing mortality from road accidents by 40% of its 1998 figures by the year 2010. Road Safety Policy at national level in England is the responsibility of the Road and Vehicle Safety Directorate of the Department for Transport (DfT). DfT provides funding, information, advice and commissions research and provides guidance on a range of areas like traffic engineering, training programmes, education evaluation, etc. It also makes funding available to NGOs etc. by means of direct grants for safety schemes like demonstration projects, etc. Road Safety Policy in Great Britain is a part of the Transport Policy. The Road Traffic Act of 1974 required local authorities to reduce road crashes and casualties through education and engineering and to institute crash prevention measures, and the Road Traffic Act (1988) extended these responsibilities to the Highway Authority in general.

6.6 Findings of the International Review were as follows:

- In all the countries studied, there was a political commitment at the highest level to promote road safety
- No country had one agency solely responsible for addressing all aspects of road safety; efficient inter-agency and inter-departmental co-ordination was found to be a critical aspect.
- Agencies like NHTSA in USA and SNRA in Sweden having the power and budgets to plan and implement road safety programmes, were identified as the most successful models for ensuring road safety.

6.7 It should be noted that the arrangements in USA also reflect the federal character of the country, and provide for bringing the States on board through a scheme of incentives and disincentives.

7. **National Road Safety Policy:** What emerged from a review of international best practices was that most countries had a stated policy to reduce road accidents, injuries and fatalities, and had set themselves targets. India has not yet formulated a National Road Safety Policy. A draft National Road Safety Policy, which has been under the consideration of the Ministry, was referred to the Committee for its consideration. The Committee reviewed the draft policy and suggested certain amendments to the National Road Safety Policy for adoption by the Government of India. The Committee was of the considered view that the Government of India, as part of the Road Safety Policy, should make a commitment to bring about a significant reduction in morbidity and mortality from road accidents. The Road Safety Policy as redrafted by the Committee is attached as **Annex L**. This has been forwarded to the Ministry for appropriate action.

8. **National Road Safety Agency for India:** The Committee noted that resolution 60/5 adopted by the 60th session of the United Nations General Assembly invited member states to “establish a lead agency, on a national level, on road safety to develop a national action plan to reduce road traffic injuries, by passing and enforcing legislation, conducting necessary awareness raising campaigns and

putting in place appropriate methods to monitor and evaluate interventions that are implemented”⁶

8.1 Furthermore, Agenda item 12.7 of the 57th World Health Assembly ⁷ made the following recommendations to the member states:

i) If they have not yet done so, to prepare and implement a national strategy on the prevention of road traffic injury and appropriate action plans

ii) To establish government leadership in road safety, including designating a single agency or focal point for road safety or through another effective mechanism according to the national context

iii) To facilitate multi-sectoral collaboration between different ministries and sectors including private transportation companies, communities and civil society

iv) To explore the possibilities to increase funding for road safety, including through the creation of a fund

8.2 International Agencies, of which India is a member, have all recommended a national strategy to promote road safety. They have also recommended the establishment of a focal point or nodal agency to oversee and coordinate all activities relating to road safety. The Committee noted that the early history of traffic safety showed that it was common in almost every developed country that uncoordinated, dispersed institutional units performed isolated single functions – road

⁶ <http://www.unece.org/trans/roadsafe/docs/A-RES-60-5e.pdf>; accessed on 30.10.2006

⁷ http://www.who.int/gb/ebwha/pdf_files/WHA57/A57_R10-en.pdf; accessed on 30.10.2006

building, traffic management, enforcement and public education from the beginning of the 20th century well into the 1960s. In all these countries road traffic fatalities continued to increase in this period. The “explosion” in the number of traffic fatalities with rapid economic growth from 1950s to 1970s in these countries, finally forced these societies to look at the issue more scientifically resulting in the eventual creation of traffic safety bodies. The second key development was the formal creation of technical/scientific support for the traffic safety decision-making process from mid 1960s to mid 1970s. As a result, some of the developed countries began experiencing a gradual decline in the fatality rates by the mid seventies. The authors of a seminal work on the subject conclude that “The experiences of many countries at various levels of motorization suggest that strategies for reducing traffic injuries will be effectively applied only if there is a separate government agency which is given not only the responsibility, but also the authority and level of funding necessary to plan and implement its programme”.⁸

Actions for road safety: What governments can do

- Make road safety a political priority.
- Institutional development
- Appoint a lead agency for road safety, give it adequate resources, and make it publicly accountable.
- Develop a multidisciplinary approach to road safety.
- Set appropriate road safety targets and establish national road safety plans to achieve them.
- Support the creation of safety advocacy groups.
- Create budgets for road safety and increase investment in demonstrably effective road safety activities.

⁸Trinca,G.W., Johnston,I.R., Campbell,B.J., Haight,F.A., Knight,P.R., MacKay,G.M., McLean,A.J., and Petrucelli,E. (1988) *Reducing Traffic Injury - A Global Challenge*. Royal Australasian College of Surgeons, Melbourne.

8.3 The Committee also noted that the Committee on Infrastructure had desired that a paper be brought up on setting up a nodal agency for road safety in the form of a Directorate of Road Safety and Traffic Management for India.

8.4 Drawing from the International Review and bearing in mind the legal and institutional framework of India, the Committee deliberated at length on the nature, structure and mandate of the agency that should be set up in India. The Committee felt that while a Directorate in the Ministry could help in focusing attention on road safety it would not provide for continuity or for harnessing the expertise that is required to promote road safety effectively; it would fail to bring under one roof the various disciplines/specialisations which have a major influence on road safety. Besides, a Directorate would not also enjoy the necessary authority and status to coordinate effectively with other central ministries and state governments; nor will it have the independence to set standards for safety and issue directions regarding compliance. The Committee also noted that of the various arrangements in place in other countries, NHTSA established through law and adequately funded in the U.S. has been most successful in promoting and ensuring road safety and in bringing about the uniform implementation of road safety measures in all the states in America. The Committee came to the considered conclusion that a nodal national body for road safety in India should not be just a Directorate in the Ministry but a dedicated agency, established through law, in order to provide for continuity, expertise and credibility.

8.5 The Committee recognized that a Directorate could be established immediately through an administrative notification whereas the establishment of an agency through an enabling legislation could take time. The Committee, however, was of the view that notwithstanding the time that it could take it would be wise to go through the process of legislation in order to establish an effective agency to promote and maintain road safety. The Committee further noted that the proposed agency would have to address road safety issues over the coming decades and gain experience with time. The Committee also felt that once a Directorate was established it was unlikely to be converted into a dedicated agency with adequate expertise and autonomy to promote road safety. Taking these various factors into account, the Committee strongly recommends that a National Road Safety Agency be established in India through a specific enabling legislation on road safety. The Committee wishes to point out that should this recommendation to be accepted, India would be the first country in the world to set up a single, integrated and dedicated nodal Agency to promote, coordinate and oversee all activities relating to road safety. More importantly, India needs such an integrated and dedicated agency to combat the rising menace of accidents and fatalities on Indian roads.

9. **Relationship with the Ministry:** The Committee also deliberated at length on the extent of autonomy that the Agency should enjoy. The Committee recognised that the functions of the Agency unlike in the case of the Telecom Regulatory Authority of India (TRAI) or Central Electricity Regulatory Commission (CERC), would not include matters like tariff setting and rationalisation, regulating incumbent service providers, creating a level playing field

for new entrants etc. , and that the role of the Agency would be largely promotional. It also recognised that without political support it would not be possible for the Agency to discharge its functions effectively and network with other relevant ministries and the state governments. The Committee, therefore, felt that the Agency should be an arm of the Ministry of Shipping ,Road Transport and Highways, and that its role should be to aid and advise the Ministry on all matters relating to road safety. The Committee, however, felt that the Agency should have the freedom to set safety standards with regard to the design, construction and maintenance of national highways and in respect of Mechanically Propelled Vehicles. In addition, the Agency should have the necessary powers to monitor compliance, issue directions regarding compliance and levy, where necessary, penalties. Clearly, the powers to set standards and follow up on their compliance cannot be vested in the same department or Ministry which is also responsible for the construction and maintenance of roads.

9.1 After long and detailed deliberations, which took into account these various considerations, The Committee made its recommendations in regard to the structure of the Agency, its jurisdiction, scope and powers, including the arrangements for its funding and funding of road safety activities. The Committee also felt that in order to facilitate speedy consideration and implementation of its recommendations it would be useful to provide a draft of the required legislation. A comprehensive National Road Safety and Traffic Management Act was initially drafted by TERI and later vetted and modified by Swarup &Co. , an eminent law firm, to ensure that it

met the requirements of law and the Constitution. The Act, duly approved by the Committee, is attached as **Appendix III**.

10. **The Board:** The Committee recommends that the proposed Agency be called the National Road Safety and Traffic Management Board.

10.1 **The Act:** The National Road Safety and Traffic Management Board should be established through an Act of the Parliament called the 'National Road Safety and Traffic Management Act'. The Act should clearly spell out the objectives and functions of the Board, its structure, processes, powers and relationship with the Ministry of Shipping, Road Transport and Highways. It should address road safety issues in respect of the National Highways and Mechanically Propelled Vehicles and make recommendations and set guidelines on road safety on other roads. It should contain enabling provisions to set up Road Safety and Traffic Management Boards in the States. It should also encompass the provisions related to road safety contained in the other relevant Acts like the Motor Vehicles Act. The Parliament is competent to legislate on Road Safety and Traffic Management in respect of National Highways and Mechanically Propelled Vehicles as they fall in List II of Schedule VII of the Constitution. This Act should be administered by the Ministry of Shipping, Road Transport and Highway

10.2 **Policy directives:** Government should have the powers to issue directives to the Board after due consultations with the Board. Where the government disagrees with the recommendations of the Board or issues directives, then the reasons for the disagreement or

the issue of directives together with the views of the Board on the issue should be made public. The Committee felt that this would provide for transparency and enhance public confidence in the working of the Board and in government's commitment to road safety.

10.3 **Structure:** The Board should consist of a chairperson and three to five members. Each of the members should be responsible for one or more of the functions listed hereafter. The members should have expertise in one of the following areas:

1. Road engineering, construction and management and traffic engineering
2. Automobile engineering
3. Traffic laws, operations, management and enforcement, developing/implementing strategies for influencing road user behaviour, capacity building and education in the area of road safety
4. Data collection, reporting and analyses, accident investigation, statistics and research, finance and state relations.
5. Accident related medical care, trauma management and rehabilitation.

10.4 A suitable number of directors and other research staff should support members working in each of the above areas. The Board should, however, be a lean and thin organization, which as far as possible out sources its activities to expert bodies like the Indian Roads Congress (IRC) or the IITs. A broad Organization Chart for the Board is provided in **Appendix I**.

10.5 Selection process: In order for the Board to enjoy adequate status and be effective in coordinating the activities of different ministries and departments of government the Chair should have the pay and rank of a Secretary to government, and the members of an Additional Secretary. A broad-based selection committee comprising the Cabinet Secretary, Secretary of the Planning Commission, Secretary of the Department of Road Transport and Highways, the DG of CSIR, and the Director General of Health Services should draw up a panel from which the appointments would be made. A broad-based selection committee and a transparent selection process are necessary to ensure that the best talent available both from within the government and the market is recruited. The Chair should have had at least 10 years of experience and specialization in any area related to road safety and should not continue as a Chair after the age of 65. The members should have had at least seven years of experience in the specific area for which they are being chosen. The Chair and members should have tenure of four years and could be eligible for re-appointment through the original selection process. If he/she is adjudged as insolvent or convicted of an offence of moral turpitude or become physically or mentally incapable of acting as member or abused his/her position or has failed consistently to perform the duties assigned, he/she may be removed from office after following a prescribed procedure.

10.6 The staff of the Board should be selected and drawn from the relevant departments for fixed tenures. They could also be recruited from the open market on a contract basis. The Board should also be free to engage consultants as required. The terms, conditions and remunerations of the employees would be similar to government

employees. However, the Board should be free to hire consultants at market related fees.

10.7 Functions: The primary objective of this Board would be to promote road safety and improve traffic management in India. It would be responsible for the following functions:

A. Road related measures- designing, setting standards and conducting audits

- a. Set safety standards in consultation with IRC for the design, construction and operation of the national highways, including road infrastructure and furniture.
- b. Conduct/commission road safety audits of national highway projects through all phases (pre, during and post) to monitor adherence to prescribed standards and issue directions ,where necessary, to take corrective action
- c. Recommend minimum safety standards for the design, construction and operation for roads other than National Highways:
- d. Conduct / commission black spot surveys and recommend treatment
- e. Recommend traffic calming and similar safety practices

B. Vehicle related measures- prescribing safety features

- a. Set standards for safety features for all Mechanically Propelled Vehicles .

- b. Conduct/commission audits to monitor adherence to standards
- c. Set the minimum conditions for the safe usage of Mechanically Propelled Vehicles and safety standards for vehicular traffic on various types of roads.
- d. Conduct / commission safety audits to monitor adherence to prescribed standards .
- e. Recommend minimum safety features for vehicles other than Mechanically Propelled Vehicles and promote safe carriageways for such transport and other vulnerable road users

C. Road safety research – institutional linkages and training:

- a. Identify subjects and institutions for research in different areas of road safety and commission and fund research projects and publish research findings
- b. Create linkages between research institutions at the local, regional and national levels
- c. Establish Centres of Excellence in road safety research and education.
- d. Establish the methodology for multidisciplinary crash Investigation, data collection, reporting and analyses
- e. Establish the procedure and methodology for data collection, transmission and analysis at appropriate levels and define the role of different agencies involved in the process
- f. Maintain a comprehensive database on road safety related matters

D. Traffic laws, operations and management

- a. Recommend guidelines to state governments for computerizing information regarding vehicle and driver licensing;
- b. Recommend guidelines for training, testing and licensing of drivers;

E. Capacity Building: Lay down guidelines for building capacity and skills amongst personnel of traffic police, hospitals, highway authorities, NGOs and other relevant organizations dealing with road safety, and for training of trainers.

F. Road user behaviour strategies, public awareness and education:

- a. Promote best practices in road safety and traffic management, undertake road safety and traffic management education programs, and conduct campaigns to create awareness on matters relating to road safety.
- b. Identify / recognize NGOs working in the area of road safety, and assist them in promoting road safety

G. Medical care and rehabilitation: Lay down guidelines for establishing and upgrading trauma care systems at all levels including district hospitals and tertiary care medical college hospitals and creating a grid of medical, allied medical and rehabilitation facilities to provide first aid, care during transportation, emergency care in the hospital and rehabilitation.

H. Other functions: In addition to the above functions, the Board should exercise the following functions:

- a. Advise the Central Government on road safety and on the administration of the provisions relating to safety as contained in the Central Motor Vehicles Act 1988 and rules thereunder.
- b. Provide technical assistance to State Boards and other agencies engaged in road safety.
- c. Enter into agreements with the state governments on behalf of the Minister for Road Transport and Highways in the Government of India for the promotion of road safety and traffic management , monitor compliance and recommend the grants to be paid to / withheld from the states;
- d. Liaise with other agencies like education boards and institutions, health service providers, NGOs, etc. who play an active role in matters relating to road safety;
- e. Liaise with international agencies and organizations in other countries working in any area related to road safety and traffic management.

10.7 Powers: The Board should not only set standards but also monitor their adoption and implementation. For this purpose, the Board would empanel auditors to do spot checks and audits on national highways under design, construction or operation to ensure that safety standards are adhered to. If standards are not adhered to, the Board would have powers to issue suitable directions with regard

to corrective measures. These corrective measures would, however, have to be undertaken by the construction agency as part of the project or maintenance cost. Similarly, the State Boards should conduct regular audits through their audit teams for roads within their jurisdiction. As far as Mechanically Propelled Vehicles are concerned the Board could monitor compliance either through the Conformity of Production (CoP) tests carried out by the testing agencies or through audits. In addition, the Board should also monitor the adoption and implementation of the procedures and guidelines established under Para 10.7 either directly or through the State Board as appropriate.

10.7.1 The Board should have powers to seek information and reports and access records and documents. Where the standards set or directions issued by the Board have not been adhered to the Board should have the power to levy penalties. There should be a provision for appeal against the orders of the Board.

10.8 **Process:** The Board should consult with all stakeholders before setting standards or issuing directions and ensure total transparency in its process.

10.9 **Budget:** The budget of the Board should be approved by Parliament and should be funded by grants from the Road Safety Fund. The Board should also be free to receive contributions, with the approval of government, from national and international organizations supporting road safety.

11. **National Road Safety Fund:** The Committee noted that the Committee on Infrastructure has decided that one per cent of the

cess accruing to the National highways should be employed to create a National Road Safety Fund. The Committee was of the considered view that a minimum of one per cent of the total proceeds of the cess on diesel and petrol should be available to the Road Safety Fund of Centre and the States as road safety is a matter of concern not only on national highways but also on the state roads, village roads and railway level crossings . Also, at least 50 percent of the amount retained by the Government of India by way of the share of the national highways and the Railways should be allocated to accident-prone urban conglomerations and States in addition to their entitlement. Assistance to the States from the National Road Safety Fund should be released to support road safety activities provided that the States enter into agreements with the Government of India in respect of these activities and faithfully implement the agreements. The Board would facilitate the agreements and monitor their implementation. This would be along the pattern of arrangements in the USA, which have proven to be very successful in persuading the States to undertake effective road safety measures and introduce an element of uniformity in road safety practices across the USA. The Committee also noted that schemes, which provided for the release of funds/grants to the State Governments on the basis of their performance, existed in the electricity and urban development sectors in India.

11.1 The Committee felt that the share that each State would receive from the Road Safety Fund might not be adequate to incentivize the States to adopt effective road safety measures and enter into agreements with the Government of India. It was, therefore, suggested that the release of at least 10 percent of the funds

allocated to the state governments from the cess on diesel and petrol should be made conditional upon the state governments entering into agreements with the Government of India and achieving the agreed targets. The Committee recognized that the implementation of these recommendations would call for changes in the relevant Act but was of the view that these arrangements were necessary to make the States play an effective role in reducing road accidents, injuries and fatalities.

12. Set up at the state level: The legislation should also contain an enabling chapter for the states to set up Road Safety and Traffic Management Boards, which the states could adopt .

12.1 The functions of the State Board would include the following:

- a. aid and advise the State Government, on matters relating to road safety and traffic management in the State;
- b. coordinate road safety and traffic management functions and implementation of road safety measures with the State level agencies involved in road safety and traffic management;
- c. specify minimum standards for design, construction and operation of roads other than national highways;
- d. specify minimum standards for establishing and operating trauma facilities and para-medical facilities for dealing with traffic related injuries on all roads other than National Highways;

- e. conduct / commission safety audits to monitor compliance with the standards;
- f. specify minimum safety requirements and standards for the design and manufacture of Vehicles other than Mechanically Propelled Vehicles and promote safe carriage ways for such transport and other vulnerable road users;
- g. recommend measures for enquiry into and redressal of complaints and grievances relating to road safety and traffic management;
- h. upon request of the National Board, conduct / commission surveys and audits to monitor compliance with laws relating to road safety and traffic management and the adherence to standards, procedures and guidelines specified by the National Board.
- i. identify and promote road user behaviour strategies, capacity building measures, public awareness and road safety and traffic management education;
- j. promote efficient procedures for accident investigation, data collection, reporting and analysis.
- k. promote the provision of special requirements relating to women, children, senior citizens, disabled persons and pedestrians in matters relating to road safety and traffic management on roads other than national highways; and

- I. liaise with the National Road Safety and Traffic Management Board.

12.2 The powers and obligations of the State Boards would be similar to those of the National Board.

13. Advisory Committees : There should be Advisory Committees to advise the National Board and the State Boards on matters of policy and approaches. This would provide for better stake holder consultation and participation in the policy making process.

14. The National Road Safety and Traffic Management Act: As stated earlier the draft of the National Road Safety and Traffic Management Act is included as **Appendix III**. The Act provides for the establishment of the National and State Road Safety and Traffic Management Boards, deals with their structure and lists their functions and powers as discussed above. The Act also provides for the establishment of the Road Safety Fund both at the national and state level.

15. Amendments of traffic laws: The Committee was also mandated to review the existing traffic laws and suggest appropriate amendments to the Motor Vehicles Act and other relevant acts to improve road safety in the country. As part of the Committee's proceedings, detailed presentations on the traffic laws and required amendments were made by Dr.P.S. Pasricha, DG, Police, Maharashtra and Shri Ramendra Jakhu, Principal Secretary (Transport), Haryana. The Committee noted that the Ministry was already in the process of making comprehensive amendments to the

Motor Vehicles Act, 1988 including strengthening the provisions aimed at improving road safety in the country. The amendments were at different stages of consideration. The Committee concluded that it would be appropriate for the government to examine the recommendations made by Dr.Pasricha and Shri Jakhu and incorporate necessary changes in the acts and rules wherever required.

16. Decriminalization of Road Accidents: The Committee noted that traffic accidents were essentially registered as medico legal cases and as a result of this, the administration of medical aid to road accident victims was often delayed. Private hospitals were reluctant to accept accident victims who were considered as medico legal cases. The problem was further exacerbated due to the requirement that the attending doctors have to spend considerable time in appearing in the courts/tribunal when these cases come up for hearing.

16.1 The Committee discussed at length as to how medical care could be de-linked from the legal/criminal aspects of the case. At the same time it was essential to ensure that there were no delays or reluctance in providing immediate and adequate medical attention. The Committee recommended that the Ministry in consultation with the other relevant ministries/departments should examine this issue in depth. It also recommended changes to law or procedures be introduced wherever necessary in order to de-link the provision of medical care from the legal/criminal aspects of the case. The Committee was also of the view that if the attending doctor in the first instance prepares detailed case records of the relevant treatment of

accident victims in a standardized format, the presence of that doctor in the courts/tribunal's could be avoided. The Committee felt that the Ministry in consultation with other relevant ministries should also consider this matter in detail and a standardized format for reporting the treatment of road traffic accidents should be introduced.

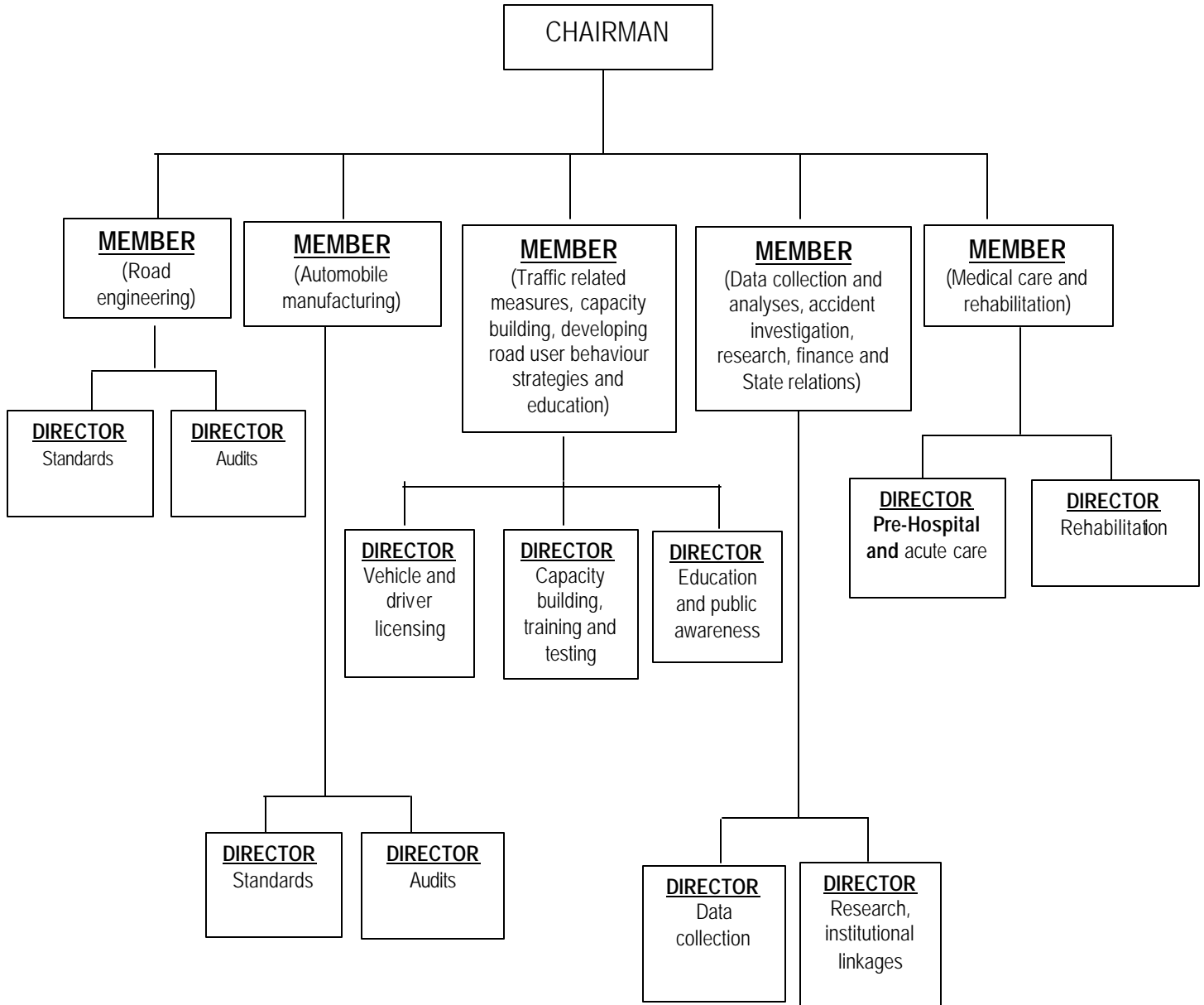
17. Insurance: The Committee noted that in a large number of cases, medical attention especially in private hospitals was being denied due to the inability of the injured person to establish his ability to defray the hospital charges. Adequate insurance cover was not available either for the vehicle or the affected party to cover the medical expenses. The Committee noted that the Ministry of Shipping, Road Transport and Highways had taken up this issue with Department of Banking and Insurance to see whether a dedicated fund can be created to provide immediate assistance to the needy road accident victim, with the payment being eventually adjusted against insurance claim. The Committee was of the view that it is necessary to ensure that on no account should provision of medical attention be delayed simply because an injured person is not in a position to provide the necessary funds. It suggested that Government should establish an appropriate fund and scheme to facilitate this. It also suggested that insurance companies should link insurance premia with the accident record of the driver in order to provide an incentive for safe driving.

18. Dedicated Highway Police: The Committee also discussed the need for constituting a dedicated highway police force to enforce road safety on the National Highways (NH). The Committee noted that

since law and order was a state subject, an NH police force would not be in a position to register crimes on the National Highways. The Committee also recognized that any move to create a dedicated highway police force could be resisted by the State governments. Nevertheless the Committee felt that it was necessary to have a dedicated force capable of policing the National Highways using modern technology and equipment. Borrowing personnel from the State governments was not a satisfactory arrangement as there was no guarantee of continuity, capacity or uniformity in dealing with traffic management and road safety issues on the National Highways. The Committee noted that Government was examining the possibility of employing the Central Industrial Security Force (CISF) for this purpose. The Committee was of the view that the Government should examine this further with a view to constituting a dedicated force for patrolling and managing traffic on the National Highways.

Appendix I

Organizational Chart for the National Road Safety Board



Government of India
Ministry of Shipping, Road Transport & Highways
Department of Road Transport & Highways

No.RT-25011/1/2005-RS

New Delhi, the 23rd Nov. 2005

OFFICE MEMORANDUM

Subject: Committee on Road Safety and Traffic Management.

The Committee on Infrastructure (COI) headed by Hon'ble Prime Minister in its third meeting on 13th January, 2005 had approved creation of Directorate of Road Safety and Traffic Regulation. The scope, functions and nature of this Directorate are to be evolved and placed before the COI for consideration.

2. It has accordingly been decided to constitute a Committee to deliberate and make recommendations for setting up an effective and dedicated agency for road safety and traffic regulation. The Committee will consist of the following:-

- | | | | |
|--------|--|---|----------|
| (i) | Shri S.Sundar, Sr.Fellow, TERI
(Former Secretary, MOST) | - | Chairman |
| (ii) | Dr.Dinesh Mohan, IIT Delhi | - | Member |
| (iii) | Dr.Varghese Mathew, Director,
St.Stephens Hospital, Delhi | - | Member |
| (iv) | Dr.P.S.Pasricha, DG(Police), Maharashtra | - | Member |
| (v) | Dr.S.Gangopadhyay,
Head of the Department(Traffic),
Central Road Research Institute, New Delhi | - | Member |
| (vi) | Shri D.P.Gupta, Former Director General
(Road Development) & Additional Secretary,
Government of India | - | Member |
| (vii) | Dr.Geetam Tiwari, Chair,
Traffic Research & Injury
Prevention Centre, IIT Delhi. | - | Member |
| (viii) | Shri Rohit Baluja,
Institute of Road Traffic Education, New Delhi. | - | Member |
| (ix) | Shri P.C.Chaturvedi,
Member(Administration), NHAI | - | Member |
| (x) | Prof.G.Gururaj, Head Epidemiology,
NIMHANS, Bangalore. | - | Member |

- (xi) Shri A.P.Bahadur,
Chief Engineer(PIC), MoSRT&H - Member
- (xii) Shri Ramendra Jakhu,
Principal Secretary(Transport),
Government of Haryana. - Member
- (xiii) Shri Jagdish Khattar, MD,
Maruti Udyog Limited. - Member
- (xiv) A representation of Planning Commission - Member
*{Shri Gajendra Haldea, Advisor to Dy. Chairman,
Planning Commission and Shri B.N.Puri, Advisor (Tpt.)}
- (xv) An expert in post-accident trauma care/rescue, to be
Nominated by Ministry of Health and Family Welfare - Member
*{Dr. A.N.Sinha, Chief Medical Officer (HA)}
- (xvi) Shri S.K.Dash, Joint Secretary(T),
D/o Road Transport & Highways - Member Secretary

3. The Terms of Reference of the aforesaid Committee would be as under:-

- (i) To assess the present magnitude of road traffic injuries and fatalities in India as a public health and economic problem;
- (ii) To Study international example of organizations for road safety and traffic regulation with a view to drawing lessons for India;
- (iii) To propose a Road Safety Organization at the Central Government level and recommend the functions and responsibilities of the proposed organization;
- (iv) To suggest amendment of relevant traffic laws;
- (v) To suggest the financing mechanisms for such an organization; and
- (vi) To suggest measure for rescue and relief of accident victim.

4. The Committee may study the previous work, studies and reports on the subject with a focus on the structure and functions of a dedicated agency on road safety in India.

5. The Committee will submit its report by 31st January, 2006.

Sd/-
(S.K.Mishra)
Director(RT)

To
All Member of the Committee as above.

Copy to:

1. P.S. to Prime Minister.
2. P.S. to Minister(S,RT&H).
3. P.S. to Deputy Chairman, Planning Commission.
4. Secretary, D/o RT&H.
5. Secretary, M/o Health & Family Welfare, Nirman Bhavan, New Delhi with a request to nominate a representative not below the rank of Joint Secretary.
6. Secretary, Planning Commission with a request to nominate a representative not below the rank of Joint Secretary.
7. Cabinet Secretariat (Shri Rajeev Ranjan, Director, Rashtrapati Bhavan, New Delhi.)

Sd/-
(S.K.Mishra)
Director(RT)

Copy to: Shri Ramu Gupta, US(RS&T).

*Added after the receipt of their nomination.

NATIONAL ROAD SAFETY AND TRAFFIC MANAGEMENT
ACT, 2007

An Act to provide for the establishment of National and State level Road Safety and Traffic Management Boards for the purpose of orderly development, regulation, promotion and optimization of modern and effective road safety and traffic management systems and practices including improved safety standards in road design, construction, operation and maintenance, and production and maintenance of mechanically propelled vehicles and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the [fifty-eighth] Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement
 - (1) This Act may be called the National Road Safety and Traffic Management Act, 2007.
 - (2) It extends to the whole of India except the State of Jammu and Kashmir.
 - (3) The Act shall be deemed to have come into effect on the appointed date to be notified by the Central Government.

Provided that different commencement dates may be appointed for different provisions of this Act and any reference in any such provision to

the commencement of this Act shall be construed as a reference to the coming into effect of that provision.

- (4) Chapter III and other provisions of this Act relevant to the State Boards shall come into effect in relation to each State upon the adoption thereof under Clause (1) of Article 252 of the Constitution, on and with effect from the date of such adoption by each such State.

2. Definitions

In this Act, unless the context otherwise requires,

- (a) “adoption” shall mean adoption of Chapter III and other provisions relevant to State Boards under the Act by a State under Clause (1) of Article 252 of the Constitution as set forth in section 8 of the Act.
- (b) “appointed date” means –
 - (i) with respect to the provisions of this Act, other than the provisions relevant to the State Boards, such date as the Central Government may, by notification in Official Gazette, appoint for the said provisions of the Act to come into force and effect;
 - (ii) with respect to Chapter III and other provisions of this Act relevant to the State Board in relation to each State such date as the Appropriate Government may by notification in Official Gazette appoint for said provisions of the Act to come into force and effect upon adoption of this Act under Clause (1) of Article 252 of the Constitution by such State.
- (c) “Appropriate Board” or “Board” means National Road Safety and Traffic Management Board referred to in sub section (1) of section 3 or the State Road Safety and Traffic Management Board referred to in sub section (1) of section 8, as the case may be;

- (d) “Appropriate Government” means Central Government or the State Government, as the case may be;
- (e) “Central Government” means the Government of India;
- (f) “Chairperson” means chairperson of the Appropriate Board;
- (g) “Mechanically Propelled Vehicle” or ‘Vehicle’ means any mechanically propelled vehicle whether motorised or non-motorised, adapted for use upon roads whether the power of propulsion is transmitted thereto from an internal or external source and includes trailers, cycles and cycle rickshaws but excludes vehicles pulled by animals or humans;
- (h) “National Road Safety and Traffic Management Board” or “National Board” means the National Road Safety and Traffic Management Board referred to in sub section (1) of section 3;
- (i) “National Highways” means each of the roads declared to be a National Highway under section 2 and other applicable provisions, if any, of the National Highways Act, 1956 and includes any expressway or express highway vested in the Central Government;
- (j) “prescribed” means prescribed by rules made under this Act;
- (k) “roads” means all roads including National Highways, state highways, district roads, village roads and urban roads which are open as public roads to Mechanically Propelled Vehicles and includes bridges, flyovers, overbridges and underbridges, but excludes all private roads and roads that fall in cantonment areas;
- (l) “specify” means specified by regulations made under this Act;
- (m) “State Road Safety and Traffic Management Board” or “State Board” means the State Road Safety and Traffic Management Board referred to in sub section (1) of section 8;

- (n) “vehicle other than Mechanically Propelled Vehicle” means all vehicles not being Mechanically Propelled Vehicles and includes carts drawn by animals or humans.

CHAPTER II

NATIONAL ROAD SAFETY AND TRAFFIC MANAGEMENT BOARD

3. Establishment of the National Road Safety and Traffic Management Board
- (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted, for the purposes of this Act, a Board to be called the National Road Safety and Traffic Management Board.
- (2) The National Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.
- (3) The National Board shall consist of
- (i) a Chairperson; and
- (ii) not less than three but not more than five members,
- and shall be appointed by the Central Government on the recommendation of the Selection Committee constituted under section 5.
- (4) The head office of the National Board and its regional offices shall be at such places as the Central Government may by notification specify.
4. Qualifications for appointment of Chairperson and other members

- (1) The Central Government shall appoint the Chairperson and other members of the National Board from amongst persons of eminence in the fields of road safety, traffic management, transportation management, automobile engineering, road design, engineering or construction, law, administration, finance, medical care and rehabilitation or consumer affairs in the following manner namely: -
- (a) The Chairperson shall be a person who has special knowledge and professional experience of not less than 10 years relating to road safety and has expertise in the field of urban or rural transport planning, road safety, traffic management, road design, engineering or construction, automobile technology, law, health, commerce, administration, finance or consumer affairs.
 - (b) Not more than one member shall be a person who has qualification and experience of not less than 7 years in the field of roads design, engineering or construction.
 - (c) Not more than one member shall be a person who has qualification and experience of not less than 7 years in the field of automobile engineering or technology.
 - (d) Not more than one member shall be a person who has qualification and experience of not less than 7 years in the field of data collection and analysis, accident investigation, research, finance or administration.
 - (e) Not more than one member shall be a person who has qualification and experience of not less than 7 years in the field of traffic management, road user behaviour strategies or road safety education.
 - (f) Not more than one member shall be a person who has qualification and experience of not less than 7 years in the field of trauma care and rehabilitation.

Provided that the qualifications of the Chairperson shall not be taken into consideration for the purposes of clauses (b) to (f) above.

5. Constitution of Selection Committee to recommend Members

The Central Government shall, for the purposes of selecting the Chairperson and members of the National Board, constitute a Selection Committee consisting of -

- (i) Cabinet Secretary- Chairperson;
- (ii) Secretary, Planning Commission – Member;
- (iii) Secretary to the Government of India, Department of Road Transport and Highways – Member;
- (iv) Director General, Council of Scientific and Industrial Research (CSIR)- Member; and
- (v) Director General of Health Services - Member

6. Functions of the National Road Safety and Traffic Management Board

- (1) The National Board shall, in relation to road safety and traffic management, have the following powers and functions, namely:
 - (a) specify minimum design, construction, operation and maintenance standards for National Highways;
 - (b) specify minimum standards for establishing and operating trauma facilities and para-medical facilities for dealing with traffic related injuries on National Highways;
 - (c) conduct or cause to be conducted safety audits to monitor compliance with the standards specified by it;

- (d) make recommendations or issue guidelines relating to design, construction, operation and maintenance standards for roads other than National Highways; and
- (2) Notwithstanding anything to the contrary contained in any law for the time being in force and effect, the National Board shall, in relation to Mechanically Propelled Vehicles, have the following powers and functions, namely:
- a. specify the minimum safety requirements and standards for the design and manufacture of Mechanically Propelled Vehicles;
 - b. specify the minimum conditions for safe usage of Mechanically Propelled Vehicles including but not limited to specifying the maximum load bearing and capacity limits.
 - c. conduct or cause to be conducted safety audits to monitor compliance with the standards specified by it;
 - d. specify safety standards for Vehicular traffic on various types of roads including but not limited to schemes for segregation of various classes of Vehicles in separate speed lanes and their right of way; and
 - e. aid and advise the Central Government in determining the changes, if any, required to any rules and regulations for training, testing and licensing of drivers of Mechanically Propelled Vehicles; and
 - (f) aid and advise the Central Government in matters relating to or arising out of traffic management of mechanically propelled vehicles for the purposes of ensuring road safety.

- (3) Without prejudice to the provisions of sub-sections (1) and (2) above, the National Board shall have the following additional powers and functions, namely:
- (a) conduct or cause to be conducted research in different spheres of road safety and traffic management and publish the findings thereof;
 - (b) establish the procedure and methodology for data collection, transmission and analysis at appropriate levels, and define the role of different agencies within the jurisdiction of National Board involved in the process;
 - (c) establish procedures and centres for multi-disciplinary crash investigation;
 - (d) make recommendations or issue guidelines relating to safety features for vehicles other than Mechanically Propelled Vehicles and for safe operating conditions for such vehicles;
 - (e) make recommendations or issue guidelines for building capacity and skills in the traffic police, hospitals, highway authorities, educational and research organisations and other organisations dealing with road safety and traffic management;
 - (f) promote best practices in road safety and traffic management, undertake road safety and traffic education programs, and conduct campaigns to create awareness amongst all sections of road users, children and students on matters relating to road safety;
 - (g) recognise non-government organisations working in the area of road safety and traffic management, and assist them in promotion of efficient traffic management and road safety;
 - (h) provide for the special requirements of women, children, senior citizens, disabled persons and pedestrians when making regulations

or recommendations or when issuing guidelines relating to road safety and traffic management;

- (i) advise the Central Government on administration of the provisions relating to safety as contained in chapters II, IV, V, VII, VIII and XIII of the Central Motor Vehicles Act 1988 and the rules made there under.
 - (j) provide technical assistance and guidance to the State Road Safety and Traffic Management Boards with a view to promoting uniform road safety and traffic management systems and practices throughout the country;
 - (k) enter into agreements with the state governments and/ or State Road Safety and Traffic Management Boards on behalf of the Central Government for the promotion of road safety and efficient traffic management; and
 - (l) liaise with other agencies such as education boards and institutions, Director-General of health services and non-governmental organizations in matters relating to road safety and traffic management;.
- (4) Nothing contained in sub-sections (1), (2) and (3) of this section 6 shall be construed or interpreted as conferring on the National Board powers, functions and jurisdiction in respect of matters relating to public order, roads other than National Highways and vehicles other than Mechanically Propelled Vehicles.
- (5) The National Board may by a special or general resolution delegate to the Chairperson or any other member of the National Board or to any officer of the National Board, subject to such conditions and limitations, if any, as may be stipulated, such of its powers and functions under this Act (except powers under subsection (3) of this section 6 and section 37 as it may deem necessary.

- (6) The National Board shall exercise its powers and discharge its functions in a transparent manner.

7. Power to seek information

In respect of all or any of the matters referred to in Section 6, the National Board shall have the following powers, namely:

- (a) (i) The National Board may serve or cause to be served on any agency, governmental or non-governmental, a notice requiring it to furnish such information as may be stated therein.

(ii) The form in which and the time and the intervals within which, and the person, or the authorities to whom, such information shall be furnished and the particulars it should contain shall be such as may be specified.

(iii) The notice referred to herein may be served by post or such other means as may be specified.

- (b) Subject to clause (a) above, the National Board or any person authorised by it in writing in this behalf shall have access to any relevant record or document in the possession of any person required to furnish any information under this Act and may for the said purpose enter at any reasonable time any premises where he believes such record or document is kept and may inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

CHAPTER III

STATE ROAD SAFETY AND TRAFFIC MANAGEMENT BOARD

8. Establishment of State Road Safety and Traffic Management Board
 - (1) A State may adopt this Act under Clause (1) of Article 252 of the Constitution and upon such adoption, this Chapter with other provisions of the Act relevant to State Boards shall come into force and effect in relation to such State and the State Government relevant to such State shall upon such adoption constitute for the purposes of this Act, a Board for the State to be known as the (name of the State) Road Safety and Traffic Management Board. Upon adoption pursuant to this section, the expression Appropriate Government wherever referred to in the Act shall in the context of the State Board mean the relevant State Government.
 - (2) The State Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.
 - (3) The State Board shall consist of a Chairperson and two other members to be appointed by the Appropriate Government on the recommendation of the Selection Committee constituted under section 10.
 - (4) The head office of the State Board shall be at the State Capital and its branch offices at such other places within the State as the State Government may deem necessary and by notification specify.
 - (5) The Chairperson and the members of the State Board shall be appointed by the State Government on the recommendation of the Selection Committee referred to in section 10

9. Qualifications for appointment of Chairperson and other members.
 - (1) The Chairperson and other members of the State Board shall be persons of ability, integrity and standing chosen from amongst persons of eminence in the fields of road safety, traffic management, transportation management, automobile engineering, road design, engineering or construction, law, administration, finance, medical care and rehabilitation or consumer affairs in the following manner namely: -
 - (a) The Chairperson shall be a person who has special knowledge and professional experience of not less than 10 years relating to road safety and has expertise in the field of urban or rural transport planning, road safety, traffic management, road design, engineering or construction, health, law, commerce, administration, finance or consumer affairs.
 - (b) Not more than one member shall be a person who has qualification and experience of not less than 7 years in the field of road design, engineering or construction.
 - (c) Not more than one member shall be a person who has qualification and experience of not less than 7 years in the field of data collection and analysis, accident investigation, research, finance or administration.
 - (d) Not more than one member shall be a person who has qualification and experience of not less than 7 years in the field of traffic management, developing road user behaviour strategies, road safety education, or trauma care and rehabilitation.

10. Constitution of Selection Committee to recommend Members

The State Government shall, for the purposes of selecting the Chairperson and members of the Board, constitute a Selection Committee consisting of-

- (i) Chief Secretary- chairperson;
- (ii) Secretary to the State Government, in the Department of Transport – Member;
- (iii) Secretary to the State Government, Department of Home – Member;
- (iv) Nominee of the National Road Safety and Traffic Management Board – Member; and
- (v) Director of a Regional Engineering College to be nominated by the Chief Secretary- Member

11. Functions of the State Road Safety and Traffic Management Board.

- (1) Subject to the provisions of the Act, the State Board shall in relation to road safety and traffic management on roads other than National Highways situate within the relevant State have the following powers and functions, namely:
 - (a) aid and advise the State Government, on matters relating to or arising out of road safety and traffic management in the State;
 - (b) coordinate road safety and traffic management functions and implementation of measures relating thereto with the State level agencies and departments involved in road safety and traffic management for the purposes of this Act;
 - (c) specify minimum design, construction, operation and maintenance standards for roads other than National Highways with due regard to the recommendations or guidelines of the National Board;
 - (d) specify minimum standards for establishing and operating trauma facilities and para-medical facilities for dealing with traffic related injuries on all roads other than National Highways;
 - (e) conduct or cause to be conducted safety audits to monitor compliance with the standards specified under this Act other than

matters relating to National Highways and matters within the jurisdiction of the Central Government;

- (f) specify minimum safety requirements and standards for the design and manufacture of vehicles other than Mechanically Propelled Vehicles with due regard to the recommendations or guidelines of the National Board;
 - (g) recommend measures for enquiry into and redressal of complaints and grievances relating to road safety and traffic management;
 - (h) upon request of the National Board, conduct or cause to be conducted surveys and audits to monitor compliance with laws relating to road safety and traffic management and the adherence to standards, procedures and guidelines specified or issued by the National Board under this Act, and report the results of such surveys or audits to the National Board;
 - (i) identify and promote road user behavior strategies, capacity building measures, public awareness and road safety and traffic management education;
 - (j) promote efficient procedures for accident investigation, data collection, reporting and analysis, in relation to matters falling within its jurisdiction; and
 - (k) promote the provision of special requirements relating to women, children, senior citizens, disabled persons and pedestrians in matters relating to road safety and traffic management on roads other than national highways;
- (2) The State Board may by a special or general resolution delegate to the Chairperson or any other member of the State Board or to any officer of the State Board, subject to such conditions and limitations, if any, as may be specified in the order such of its powers and functions under this Act as it may deem necessary.

- (3) The State Board shall exercise its powers and discharge its functions in a transparent manner.
- (4) In exercise of its powers and discharge of its functions, the State Board shall conform to the regulations made by the National Board under this Act and shall have due regard for the guidelines issued by the National Board;

12. Powers to seek information

In respect of all or any of the matters referred to in Section 11 , the State Board shall have the following powers namely:

- (a) (i) The State Board may serve or cause to be served on any agency, governmental or non-governmental, a notice requiring it to furnish such information as may be stated therein.
 - (ii) The form in which and the time and intervals within which, and the person or the authorities to whom such information shall be furnished and the particulars which they should contain shall be such as may be specified.
 - (iii) The notice referred to herein may be served by post or such other means as may be specified.
- (b) Subject to Clause (a) above, the State Board or any person authorised by it in writing in this behalf shall have access to any relevant record or document in the possession of any person required to furnish any information under this Act and may for the said purpose enter at any reasonable time any premises where he believes such record or document is kept and may inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

CHAPTER IV

PROCEEDINGS AND POWERS OF APPROPRIATE BOARD

13 Term of office, conditions of service, etc., of Chairperson and other members.

(1) Before appointing any person as the Chairperson or other member, the Appropriate Government shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as Chairperson or such other member.

(2) The Chairperson shall be given a rank equivalent to a Secretary to the Appropriate Government, and the members of an Additional Secretary to the Appropriate Government.

(3) The Chairperson and other members shall hold office for a term of four years from the date on which they enter upon their offices or until they attain the age of sixty five years, whichever is earlier:

Provided that the Chairperson and other members shall be eligible for re-appointment for another term subject to the said age limit.

(4) The salary and allowances payable to and the other terms and conditions of service of the Chairperson and the other members shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or other member shall be varied to his disadvantage after appointment.

(5) The Chairperson or other member may resign from his office by giving notice thereof in writing to the Appropriate Government and on such resignation being accepted, the Chairperson or such other member shall be deemed to have vacated his office.

- (6) The Chairperson or any other member, upon ceasing to hold office as such, shall not accept any commercial employment for a period of one year from the date he ceases to hold such office.

Explanation - For the purposes of this section, "commercial employment" means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business and includes also a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant in the field of road design, engineering or construction, traffic management, automobile industry, transport and road safety equipment manufacturing.

14. Power of Chairperson

- (1) The Chairperson of the Appropriate Board shall have the powers of general superintendence and control in the conduct of the affairs of the Board and shall, in addition to presiding over the meetings of the Board, exercise and discharge such other powers and functions of the Board, as may be assigned to him by the Board.

15. Suspension or removal of Chairperson or any other member from office.

- (1) No member, including Chairperson, shall be suspended or removed from office except in accordance with the provisions of this section.
- (2) The Appropriate Government may remove from office the Chairperson or any member, if he-
- (a) has been adjudged as insolvent ; or
 - (b) has been convicted of an offence which, in the opinion of the Appropriate Government, involves moral turpitude ;or
 - (c) has become physically or mentally incapable of acting as a member ;or
 - (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member ; or

- (e) has so abused his position as to render his continuance in office prejudicial to the public interest ;
- (f) has consistently failed to discharge his duties or has been absent from the meetings of the Board for a continuous period of six months;

Provided that no Chairperson or other member shall be removed from office under clause (d), clause (e) or clause (f) unless the Appropriate Government, after holding an inquiry by any person appointed or authority constituted for the purpose and as per the procedure as may be prescribed in this behalf, is satisfied that such person ought on such ground or grounds be removed.

- (3) In the event of inquiry instituted under sub-section (2)_above, the Appropriate Government may, suspend such Chairperson or other member against whom inquiry has been instituted for a period not exceeding six months if the Appropriate Government deems it necessary in public interest.

16. Meetings of the Board

- (1) The Board shall meet at such times and places, and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations provided that the Board shall meet at least once every month.
- (2) The Chairperson or, if he is unable to attend a meeting of the Board, the senior-most member present, reckoned from the date of appointment to the Board shall preside at such meeting:

Provided that in case of common date of appointment of members, the member senior in age shall be considered as senior to the other members.

- (3) All questions which come up before any meeting of the Board shall be decided by a majority of the members present and voting, and in the event

of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.

(4) All orders and decisions of the Board shall be authenticated by the Secretary or any other officer of the Board duly authorised by the Board in this behalf.

17. Vacancies, etc., not to invalidate proceedings of the Board.

No act or proceeding of the Board shall be invalid merely by reason of -

(a) any vacancy in, or any defect in the constitution of, the Board; or

(b) any defect in the appointment of a person acting as a member of the Board; or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

18. Officers and other employees of the Board.

(1) The Appropriate Government may, in consultation with the Board, appoint a Secretary to exercise and perform such powers and duties under the control of the Chairperson as may be specified:

Provided that no such consultation shall be necessary for appointment of the first Secretary of the Board.

(2) The Board may, with the approval of the Appropriate Government, determine the number, nature and categories of other officers and employees required to assist the Board in the efficient discharge of its functions.

(3) The salaries and allowances payable to and the other terms and conditions of service of the Secretary, and others officers and employees of the Board shall be such as may be prescribed.

- (4) The Board may appoint consultants required to assist in the discharge of its functions on such terms and conditions as may be specified.

CHAPTER V FINANCE, ACCOUNTS AND AUDIT

19. Grants and loans by the Central Government

The Central Government may, after due appropriation made by Parliament in this behalf, make to the National Board, grants and loans of such sums of money as the Central Government may consider necessary.

20. National Road Safety and Traffic Management Fund

- (1) There shall be constituted a Fund to be called the Road Safety and Traffic Management Fund and there shall be credited thereto -

- (i) one per cent of the revenue from the cess on diesel and gasoline allocated for National Highways and rail and road overbridges or such greater proportion of the said cess as the Central Government may deem appropriate;
- (ii) any grants and loans made to the National Board by the Central Government under section 19; and
- (iii) all sums received by the National Board from such other sources as may be decided upon or approved by the Central Government.

- (2) The Fund shall, subject to the provisions of sub-section (3), be applied for making payments towards -

- (a) the salary, allowances and other remuneration of the Chairperson, members, officers and other employees of the National Board;
- (b) the expenses of the National Board in discharge of its functions under Section 6; and

- (c) the expenses incurred or to be incurred for purposes authorised by this Act including the grants to the State Boards.
- (3) The Central Government may, in consultation with the Comptroller and Auditor General of India prescribe the manner of applying the fund for meeting the expenses specified in clause (b) or clause (c) of sub-section (2).
- (4) Not less than one half of the receipts of the National Road Safety and Traffic Management Fund shall be applied for disbursements of grants to the State Boards for undertaking or having undertaken road safety and traffic management measures recommended by the National Board in their respective territory, or to generally promote efficient traffic management and road safety;
21. Accounts and Audit of the National Board
- (1) The National Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the National Board shall be audited by the Comptroller and Auditor General of India at such intervals as may be stipulated by him and any expenditure incurred in connection with such audit shall be payable by the National Board to the Comptroller and Auditor General of India.
- (3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the auditing of the accounts of the National Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books of

accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National Board.

- (4) The accounts of the National Board, as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded an

nually to the Central Government and that Government shall cause the same to be laid, as soon as may be after it is received before each House of Parliament.

22. Grants and loans by State Government

Subject to adoption of the Act by the State, the relevant State Government may, after due appropriation made by the State legislature in this behalf, make to the State Board, grants and loans of such sums of money as that Government may consider necessary.

23. State Road Safety and Traffic Management Fund

- (1) Subject to adoption of the Act by the State, there shall be constituted for that State a Fund to be called the State Road Safety and Traffic Management Fund and there shall be credited thereto -

- (i) one per cent of the revenue from cess on diesel and gasoline allocated for State roads including rural roads levied or recovered under any law for the time being in force or such greater proportion as may be decided by the State Government; and
- (ii) all grants received from the National Road Safety and Traffic Management Fund; and
- (iii) any grants and loans made to the State Board by the State Government under section 22;
- (iv) all sums received by the State Board from such other sources as may be decided upon by the State Government.

- (2) The Fund shall be applied for making payments towards -
- (a) the salary, allowances and other remuneration of the Chairperson, Members, officers and other employees of the State Board
 - (b) the expenses of the State Board in discharge of its functions under Section 11;
 - (c) the expenses incurred or to be incurred for purposes authorised by this Act.
- (3) The State Government may, in consultation with the Comptroller and Auditor General of India prescribe the manner of applying the fund for meeting the expenses specified in clause (b) or clause (c) of sub-section (2).

24. Accounts and Audit of the State Board =

- (1) The State Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the State Board shall be audited by the Comptroller and Auditor General of India at such intervals as may be stipulated by him and any expenditure incurred in connection with such audit shall be payable by the State Board to the Comptroller and Auditor General of India.
- (3) The Comptroller and Auditor- General of India and any person appointed by him in connection with the auditing of the accounts of the State Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor- General of India has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Board.

- (4) The accounts of the State Board, as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the State Government and that Government shall cause the same to be laid, as soon as may be after it is received, before the State Legislature.

25. Transfer of funds to State Government

Notwithstanding anything to the contrary contained in section 23, all funds due to the State Board under clause (i) of sub-section (1) of Section 23 shall, prior to the adoption of this Act by a State in accordance with the provisions of Section 8, be credited to the Consolidated Fund of that State for expenditure by that State Government in connection with the purposes of this Act.

26. Budget

The Appropriate Board shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of that Board and forward the same to the Appropriate Government.

27. Annual and other reports

- (1) The Appropriate Board shall, as soon as practicable after the end of each year make to the Appropriate Government a report on its activities during that year.

- (2) Every such report shall –

- (a) *include a general survey of developments, during the year to which it relates, in respect of matters falling within the scope of the Appropriate Board's functions;*

- (b) *set out any regulations or recommendations made or guidelines issued by the Appropriate Board under the Act during that year;*

- (c) set out any general directions given to the Board during that year by the Appropriate Government;
 - (d) include a general survey of the activities during the year of its Advisory Committee.
 - (e) Include a report on such other matters as the Appropriate Government may, in consultation with the Appropriate Board, from time to time require.
- (3) The Appropriate Board shall, before the commencement of each year, make to the Appropriate Government a report on the Annual Programme for the year containing a general description of work, other than that comprising routine activities in the exercise of its functions, which it plans to undertake during the year in furtherance of the objectives of this Act.
- (4) The Appropriate Board shall, before finalising the Annual Programme referred to in sub-section (3), publish a draft thereof and provide 60 days' notice for inviting representations and suggestions from the Appropriate Government and the public, and upon receipt of such representations and suggestions, it shall consider the same.
- (5) The Appropriate Government shall lay a copy of every report made by the Appropriate Board under sub-sections (1) and (3) before each House of Parliament or the legislature of the State, as the case may be, and shall arrange for copies of every such report to be published in such manner as it considers appropriate.
- (6) The Appropriate Board shall also make to the Appropriate Government-
- (a) such reports with respect to the matters mentioned in clause (a) of sub-section (2) as the Appropriate Government may from time to time require; and
 - (b) such other reports with respect to those matters as may appear to it to be expedient,

and the Appropriate Board shall, if the Appropriate Government so directs, arrange for copies of any report made under this sub-section to be published in such manner as is stipulated in the direction.

- (7) Upon presentation of the Annual Report in the Parliament or the legislature of the State, as the case may be, or at any other time, the Parliament or the legislature of the State, as the case may be, may require the presence of the Chairperson and the members of the Appropriate Board in connection with any investigation, debate or discussion with respect to the powers exercised or the functions performed by the Appropriate Board under the provisions of this Act and the Appropriate Board shall provide such information and render such assistance to the Parliament, or the State Legislature, as the case may be, as may be necessary.
- (8) No order of the Appropriate Board, which is appealable under this Act, shall be called to question in the Parliament or the State Legislature, as the case may be.

28. Advisory Committee

- (1) The Appropriate Board shall by notification establish within ninety days from the appointed date, a committee to be known as the National Advisory Committee or the State Advisory Committee, as the case may be.
- (2) The National Advisory Committee shall consist of not more than thirty-one members and the State Advisory Committee shall consist of not more than twenty-one members to represent the interests of road users, construction industry, transport industry, automobile manufacturers, and relevant non-governmental organisations and academic and research bodies.
- (3) The Chairperson and members of the Appropriate Board shall be the ex-officio Chairperson and ex-officio members of the National Advisory Committee or the State Advisory Committee, as the case may be.

- (4) The National Advisory Committee or the State Advisory Committee, as the case may be, shall meet at least four times in a year and its proceedings shall be conducted in accordance with the Regulations to be specified.

29. *Objects of Advisory Committee*

The objects of the National Advisory Committee or the State Advisory Committee, as the case may be, shall be to advise the Appropriate Board on-

- (a) *questions of policy;*
- (b) *matters relating to quality, continuity, reliability and extent of road safety and traffic management; and*
- (c) *protection of road user interest.*

Chapter VI
PENALTIES AND APPEALS

30. Penalties –

- (1) Whoever fails to comply with the regulations specifying the -
- (i) design, construction, operation and maintenance standards for National Highways; or
 - (ii) safety standards for the design, or manufacture of any Mechanically Propelled Vehicle,

shall be punishable by the National Board with fine which may extend to Rupees ~~ten~~ lakh and where the contravention or failure is a continuing one, with further fine which may extend to Rupees ~~three~~ lakh for every month or part thereof during which such failure or contravention continues after lapse of 60 (sixty) days from the date of imposition of fine for the first such contravention or failure.

Provided that no such fine shall be imposed on

- (i) the operator or owner of whole or any part of any National Highway for contravention of any such regulation within a period of three years from the date on which such regulation came into effect; and
- (ii) the manufacturer of a Mechanically Propelled Vehicle for contravention of any such regulation within a period of one year from the date on which such regulation came in effect.

- (2) Whoever fails to comply with the regulations specifying the-
- (i) standards for design, construction, operation and maintenance of roads other than National Highways, or
 - (ii) safety standards for the design, or manufacture of any vehicle other than a Mechanically Propelled Vehicle,

shall be punishable by the State Board with fine which may extend to Rupees ~~ten~~ lakh and where the contravention or failure is a continuing one, with further fine which may extend to Rupees ~~one~~ lakh for every month or part thereof during which such failure or contravention continues after lapse of 60 (sixty) days from the date of conviction for such contravention or failure.

Provided that no such fine shall be imposed on

- (i) the operator or owner whole or any part of any road other than National Highways for contravention of any such regulation within a period of three years from the date on which such regulation came into effect; and
 - (ii) the manufacturer of a vehicle other than a Mechanically Propelled Vehicle for contravention of any such regulation within a period of one year from the date on which such regulation came into effect.
- (3) Whoever:
- (i) fails to furnish the information required pursuant to Section 7 or Section 12 or fails to grant or impedes any access required to any document, record or information or to any

premises where any such document, record or information is believed to be kept pursuant to Section 7 or Section 12; or

- (ii) willfully furnishes or causes to be furnished any information or return which he knows to be false or incorrect in material particulars;

shall for each such offence be punishable by the Appropriate Board with fine which may extend to Rupees one thousand and in the case of a continuing offence to a further fine which may extend to Rupees five hundred for each day after the first day during which the offence continues.

- (4) Without prejudice to the penalty that may be imposed under sub sections (1) and (2) above, the Appropriate Board may recommend remedial action to the Appropriate Government.

31. Appeals

- (1) Any person aggrieved by any order given, decision made or direction issued by the Appropriate Board may within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the “appellate authority”) as the Appropriate Government may think fit to constitute:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) An appellate authority shall consist of a single person or three persons as the Appropriate Government may deem fit, to be appointed by that Government.

Chapter VII
MISCELLANEOUS

32. Power of Appropriate Government to issue directions.

- (1) Notwithstanding anything to the contrary contained in this Act, in performance of its functions under this Act, the Appropriate Board shall be bound by such directions on questions of policy involving public interest as the Appropriate Government may give to it in writing from time to time.

Provided that no such direction shall relate to any day-to-day affairs of the Board.

Provided that the Appropriate Board shall be given opportunity to express its views before any direction is given under this subsection.

- (2) The decision of the Appropriate Government whether a question is a question of policy involving public interest, shall be final.
- (3) The directions issued to the Appropriate Board under ~~§~~ subsection (1) together with the reasons for the issue of the directions shall be laid before the Parliament or the State Legislative Assembly, as the case may be at the earliest possible opportunity.

33. Chairperson, members, etc., to be public servant

The Chairperson, members, officers and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

34. Protection of action taken in good faith.

- (1) No suit, prosecution or other legal proceeding shall lie against the Central Government, National Board, or any officer of the Central Government or

any member, Chairperson, officer or other employee of the National Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made there under.

- (2) Subject to adoption by the State Government, no suit, prosecution or other legal proceeding shall lie against the State Government, State Board, or any officer of the State Government or any member, Chairperson, officer or other employee of the State Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

35.

Power to remove difficulties

- (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as it may deem necessary for removing the difficulty:
- (2) Every order made under this section shall be laid, as soon as maybe after it is made, before each house of Parliament.

36. Power of Central Government to make rules

- (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -
 - (a) the purposes for which the National Road Safety and Traffic Management Fund can be applied ;

- (b) the salaries and allowances payable to and the other conditions of service of the Chairperson and the other members under sub-section (4) of section 13;
- (c) the salaries and allowances payable to and the other conditions of service of the officers and staff of the National Board under sub-section (3) of section 18;
- (d) the manner in which the accounts of the National Board shall be maintained under sub-section (1) of section 21;
- (e) the time and manner in which the annual report of the National Board shall be prepared under sub-section (1) and sub-section(3) of Section 27.
- (f) any other matter which is to be, or may be, prescribed. or in respect of which provision is to be made, by rules.

37. Power of National Board to make regulations.

- (1) The National Board may, by notification, make regulations consistent with this Act and the rules made there under to carry out the provisions of this Act.
- (2) Before notifying any regulations, the National Board shall publish a draft thereof in such manner as it may deem fit to provide an opportunity to persons affected or likely to be affected by such regulations to make suggestions or objections and upon receiving such suggestions and objections within the period stipulated by the National Board, consider the same before notifying the regulations, with or without modifications.
- (3) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- (a) any matter which is required to be, or may be, specified by regulations or in respect of which provision is to be or may be made by regulations for the purposes of the National Board's exercise of its powers under section 6 of the Act.
- (b) the time and places of meetings of the National Board and the procedure (including quorum necessary for the transaction of business) to be followed at such meetings under sub section(1) of section 16;
- (c) the powers and duties of the Secretary under sub-section (1)of section 18 ;
- (d) the terms and conditions of the consultants appointed under sub-section (4) of section 18 ;
- (e) the procedure to be followed by the National Board including the places at which it shall conduct its business under sub-section (1) of section 16; and
- (f) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be or may be made by regulations.

38. Rules and regulations to be laid before Parliament

Every rule made by the Central Government and every regulation made by the National Board, under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification

or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

39. Power of State Government to make rules

(1) Subject to adoption by the State Government, the State Government may, by notification in Official Gazette, make rules for carrying out the provisions of this Act in relation to the Appropriate Board not inconsistent with the rules and regulations made by the Central Government and the National Board.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the purposes for which the State Road Safety and Traffic Management Fund can be applied;

(b) the salaries and allowances payable to and the other conditions of service of the Chairperson and the other members of the State Board under sub-section (4) of section 13;

(c) the salaries and allowances payable to and the other conditions of service of the officers and staff of the State Board under sub-section (3) of section 18;

(d) the manner in which the accounts of the State Board shall be maintained under sub-section (1) of section 24;

(e) the time and manner in which the annual report of the State Board shall be prepared under sub-section (1) and sub-section(3) of section 27;

(f) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

40. Power of State Board to make regulations.

- (1) The State Board may subject to adoption of the Act by the State Government , by notification in the Official Gazette, make regulations consistent with this Act and the rules and regulations made by the Central Government, the National Board and the State Government thereunder to carry out the provisions of this Act.
- (2) Before notifying any regulations, the State Board shall publish a draft thereof in such manner as it may deem fit to provide an opportunity to persons affected or likely to be affected by such regulations to make suggestions or objections and upon receiving such suggestions and objections within the period stipulated by the State Board, consider the same before notifying the regulations, with or without modifications.
- (3) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-
 - (a) any matter which is required to be, or may be, specified by regulations or in respect of which provision is to be or may be made by regulations for the purposes of the State Board's exercise of its powers under section 11 of the Act.
 - (b) the time and places of meetings of the State Board and the procedure (including quorum necessary for the transaction of business) to be followed at such meetings under sub section(1) of section 16;
 - (c) the powers and duties of the Secretary of the State Board under sub-section (1)of section 18;
 - (d) the terms and conditions of the consultants appointed under sub-section (4) of section 18 for the State Board ; and
 - (e) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be or may be made by regulations.

41. Rules and Regulations to be laid before the State Legislature

Every rule made by the State Government and every regulation made by the State Board, under this Act shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature makes any modification in the rule or regulation or decides that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

42. All regulations made by the National Board or the State Board under this Act shall be subject to the conditions of the previous publication.

43. Power of the Appropriate Government to suspend application of regulations

(1) If, at any time, the Appropriate Government is of the opinion that on account of grave emergency, national security or other like cause it is necessary to keep in abeyance any or all regulation(s) made under this Act by the Appropriate Board

the Appropriate Government, may, by notification in the Official Gazette, direct suspension of application of such regulation (s) for such period, not exceeding six months at a time, as may be specified in the notification.

(2) On the expiration of the period of suspension specified in the notification issued under sub-section (1), the Appropriate Government may for reasons to be recorded in writing

extend the period of suspension for such further term, not exceeding six months at a time, as it may consider necessary

- (3) ‡The Appropriate Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action and the reasons for such action to be laid before each House of Parliament or the State Legislature as the case may be, at the earliest possible opportunity.

44. Act to have overriding effect

The provisions of this Act shall have effect notwithstanding any thing inconsistent therewith contained in any other law for the time being in force or in any other instrument having effect by virtue of any other law other than this Act.