Legislation
Road safety lead agency structures and funding of road safety lead agencies
ROAD TRANSPORT

• LIFELINE OF THE NATION OR THE BACKBONE OF THE ECONOMY.
• HIGHEST TAXPAYER SECTOR
• SECOND LARGEST EMPLOYMENT GENERATOR
• IS IN SERVICE OF THE NATION 24 X 7 X 365
• PROVIDES CRITICAL FIRST & LAST MILE CONNECTIVITY
Table 1.1: Total number of Accidents, Fatalities and Persons Injured during 2016 to 2021

<table>
<thead>
<tr>
<th>Year</th>
<th>Accidents</th>
<th>% change over previous period</th>
<th>Fatalities</th>
<th>% change over previous period</th>
<th>Persons Injured</th>
<th>% change over previous period</th>
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</thead>
<tbody>
<tr>
<td>2016</td>
<td>4,80,652</td>
<td>-</td>
<td>1,50,785</td>
<td>-</td>
<td>4,94,624</td>
<td>-</td>
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<td>2017</td>
<td>4,64,910</td>
<td>-3.28</td>
<td>1,47,913</td>
<td>-1.9</td>
<td>4,70,975</td>
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<td>2018</td>
<td>4,67,044</td>
<td>0.46</td>
<td>1,51,417</td>
<td>2.37</td>
<td>4,69,418</td>
<td>-0.33</td>
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<td>2019</td>
<td>4,49,002</td>
<td>-3.86</td>
<td>1,51,113</td>
<td>-0.2</td>
<td>4,51,361</td>
<td>-3.85</td>
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<td>2020</td>
<td>3,66,138</td>
<td>-18.46</td>
<td>1,31,714</td>
<td>-12.84</td>
<td>3,48,279</td>
<td>-22.84</td>
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<td>2021</td>
<td>4,12,432</td>
<td>12.64</td>
<td>1,53,972</td>
<td>16.9</td>
<td>3,84,448</td>
<td>10.39</td>
</tr>
</tbody>
</table>

Data Source: States/UTs (Police Departments).

Chart 1.1: Trends in number of Accidents, Fatalities and Persons Injured: 2016 to 2021
Chart 1.13: Decadal Trends of construction of Roads

Data source: Basic Road Statistics of India, MoRT&H

Chart 1.14: Decadal Trends of Registration of Vehicles

Data source: Road Transport Year Book, MoRT&H
The National Road Safety Policy

• The National Road Safety Policy (2010) outlines the policy initiatives to be framed / taken by the Government to improve the road safety.

Salient Features:

a) Raise Awareness about Road Safety Issues
b) A National Road Safety Information System to be established.
c) Review standards pertaining to safety in the design of Roads and bring them in consonance with international practices.
d) Ensure that safety features are built in at the stage of design of vehicles
e) Strengthen the system of driver licensing and training.
f) Road Traffic Safety Education and Training
g) Emergency Medical Services for Road Accidents
h) Establish National Road Safety Board to oversee the issues related to road safety.
i) Establish a National Road Safety Fund.
Road Safety Councils

• **Section 215 in The Motor Vehicles Act, 1988**

  • 215. Road Safety Councils and Committees.—(1) The Central Government may, by notification in the Official Gazette, constitute for the country a National Road Safety Council consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

  • (2) A State Government may, by notification in the Official Gazette, constitute for the State a State Road Safety Council consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

  • (3) A State Government may, by notification in the Official Gazette, constitute District Road Safety Committee for each district in the State consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

  • (4) The Councils and Committees referred to in this section shall discharge such functions relating to the road safety programmes as the Central Government or the State Government, as the case may be, may, having regard to the objects of the Act, specify.
GUJARAT
ROAD SAFETY LEAD AGENCY – GUJARAT ACT

• Objective
  • An Act to provide for the constitution of a Road Safety Authority for the implementation of road safety programmes in the State and to act as a lead agency for road safety; for the establishment of road safety fund and for matters connected therewith and incidental thereto.
Composition of Road Safety Authority

- The Authority shall consist of the following members, namely:-
  - (i) the Minister for Transport, who shall be the Chairman of the Authority;
  - (ii) the Secretary to the Government of Gujarat, Transport Department, who shall be the Vice-chairman of the Authority;
  - (iii) the Secretary to the Government of Gujarat, Home Department;
  - (iv) the Secretary to the Government of Gujarat, Health and Family Welfare Department;
  - (v) the Secretary to the Government of Gujarat, Education Department;
  - (vi) the Secretary to the Government of Gujarat, Roads and Buildings Department;
  - (vii) the Director General of Police, Gujarat State;
  - (viii) the Managing Director, Gujarat State Road Transport Corporation (GSRTC);
  - (ix) the Municipal Commissioner of Ahmedabad Municipal Corporation;
  - (x) the Chief Engineer, National Highway Authority of India (NHAI);
  - (xi) the Chairman, Western India Automobile Association (WIAA);
  - (xii) the Commissioner of Transport, Gujarat State;
  - (xiii) two persons who are experts in the field of road safety, to be nominated by the State Government;
  - (xiv) the Chief Enforcement Officer, who shall be the Member-Secretary of the Authority

- The Chief Road Safety Commissioner shall be the Chief Executive Officer of the Authority and thereby he shall be the head of the staff of the Authority.
Functions of Authority

• **Section 4. Functions of Authority.** - The Authority shall discharge the following functions, namely:-

  • (a) to act as a lead agency of the State for Road Safety;
  • (b) to advise the State Government on road safety policies;
  • (c) to implement the National Road Safety Policy and the Gujarat Road Safety Policy;
  • (d) to work as a secretarial for the State Road Safety Council, arrange meetings of the Council issue its Minutes and monitor the implementation of the decision of the Council by the concerned Departments of the State.
  • (e) to co-ordinate with the concerned Departments of the State Government to ensure implementation of the directions issued from time to time by the Supreme Court Committee on Road Safety and furnish compliance report in a time bound manner;
  • (f) to implement the directions and recommendations issued from time to time by the Central Government, State Government, Hon'ble courts or the World Health Organization regarding Road Safety;
  • (g) to notify annual targets for reduction of accidents and fatalities as fixed by the State and draw up an Annual Action Plan to achieve the targets and monitor its implementation;
  • (h) to collect on a regular basis data on road accidents and analyze the data to identify areas / road stretched and categories of accident victims;
  • (i) to direct the Government Departments, State Road Safety Council, District and City Road Safety Committee and other persons regarding road safety;
  • (j) to implement the directions of the Supreme Court Committee on Road Safety;
  • (k) to co-ordinate with the Road Safety Committee;
  • (y) to make regulations for conduct and management of the affairs of the Authority and to add, amend, vary or rescind them from time to time;
Executive Committee

• **Section 8. Executive Committee.** - (1) There shall be an Executive Committee for the Authority consisting of the following members, namely:-
  
  • (a) the Secretary to the Government of Gujarat, Transport Department, who shall be the Chairman;
  • (b) the Transport Commissioner, who shall be the Vice-Chairman;
  • (c) the Commissioner of Health, Gujarat State;
  • (d) the Commissioner of Primary Education, Gujarat State;
  • (e) the Inspector General of Police (Traffic);
  • (f) the Chief Engineer (Roads and Bridges);
  • (g) the Chief Engineer (National Highways);
  • (h) the Joint Commissioner of Traffic, Ahmedabad city;
  • (i) the Deputy Municipal Commissioner, Ahmedabad Municipal Corporation;
  • (j) the Regional Transport Officer, Ahmedabad;
  • (k) the Joint Director, the Commissioner of Transport or, as the case may be, the Officer on Special Duty;
  • (l) the Deputy Enforcement Officer, who shall be the Member-Secretary;
  • (m) two experts from the field of road safety education and emergency care, as may be nominated by the Authority.
Functions of the Executive Committee

• (2) Subject to such restrictions, conditions and limitations as may be imposed by the Authority, the Executive Committee shall exercise such powers and discharge such functions of the Authority as may be delegated to it by the Authority.

• (3) The Executive Committee shall be responsible for implementing the decisions of the Authority.
Road Safety Fund

• **Section 10. Establishment of Fund.** - (1) As soon as may be after the constitution of the Authority, there shall be established a Fund to be called the "Gujarat Road Safety Fund".

• (2) There shall be credited to the Fund, -
  - (a) grants by way of share of compounding fees recovered for traffic violations under the Motor Vehicles Act, 1988 or for violations under this Act;
  - (b) any other grants as may be fixed by the State Government from time to time;
  - (c) loans or advances made by the State Government;
  - (d) grants, loans or advances made by the Government of India;
  - (e) contributions from public or private institutions or organizations;
  - (f) by auctioning of the confiscated vehicle.

• **Section 12**
  - **12. Utilisation of Fund.** - The Fund shall be utilized for all or any of the functions of the Authority mentioned in section 4.
Powers

15. **Power to order works and give directions.** - (1) The Authority or the State Road Safety Committee or District or City Road Safety Committees may by order give direction to any officer of the Government department or public authority or local authority or any person of public, public or private institutions to act for the purpose of Road Safety.

(2) Notwithstanding anything contained in sub-section (1) or any other law for the time being in force, it shall be lawful for the Chief Road Safety Commissioner or the Joint Road Safety Commissioner to pass following orders or give direction to ensure Road Safety, namely:-

(i) to fulfill any work or improvement on a public road, as it may consider necessary,

(ii) to ensure implementation of all laws relating to Road Safety such as helmet, seat belt, etc.,

(iii) to implement the decisions of the State Road Safety Council,

(iv) to implement the direction given by the State Government under section 33:
(5) If any officer of the Government department or public authority or local authority or any person of public, public or private institutions to whom a written order is served under sub-section (2) refuses or fails to comply with the order within the time limit set out by the Authority, the Chief Road Safety Commissioner or the Joint Road Safety Commissioner may after giving opportunity of being heard impose a fine up to Rs. 1,00,000 (rupees one lakh only) in person or recommend the disciplinary action upon such officer or person under the service law applicable to him and may also take such action as to prevent danger and ensure safety to the public and may recover the cost thereof from such officer of the Government department or public authority or local authority or any person of public, public or private institutions:
Power to impose penalty

• **17. Penalty for failure to comply order.** - Where the Authority or the Road Safety Commissioner or, as the case may be, the Enforcement Officer is of the opinion that any officer of the Government department or public authority or local authority or any person of public, public or private institutions refuses or fails to comply with any written order or direction of the Authority or Road Safety or Enforcement officer or any order passed under this Act except under sub-section (2) of section 15, it shall impose a penalty by reasoned order of five hundred rupees each day till the compliance of the order or direction of the Road Safety Commissioner or the Enforcement officer, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:
Powers of State Government

• **33. Power of State Government to give directions.** - The State Government having regard to-

  • (a) the desirability of effective enforcement of the provisions of this Act or any other law for the time being in force to control and regulate the road traffic,
  • (b) the desirability to reduce vehicle density on public road,
  • (c) the desirability of preventing the road accidents,
  • (d) the desirability of preventing the deterioration on the road system, may, from time to time, by notification in the *Official Gazette*, issue directions to the Authority,-

  • (i) regarding control of the purchase of second vehicle,
  • (ii) regarding prevention and regulation of the use of the vehicles more than age of 15 years and manner for the scrap thereof,
  • (iii) regarding fixing time of the use or prohibiting use of the of the vehicle on the public road in the specific area or areas,
  • (iv) regarding the appointment of any public or private agency after following due process by the Authority; for the purpose of road safety measure in specific area or areas, to remove traffic nuisance, detect traffic offence, accept composition fee, recover fine or penalties, recover cost of the damage caused by traffic nuisance, regularize any other measure related to road safety in the benefit of public at a large,
  • (v) regarding fixing of service charge as may be levied by such agency.
  • (vi) any other direction as the State Government may deem fit to give to ensure road safety:
Points for discussion

1. The Road Safety Authority is the secretariat of the State Road Safety Council.
2. The Road Safety Authority cannot issue regulations for Road Safety
3. Too many functionaries
4. Full powers with Government
5. The Road Safety Authority is only an implementing agency
6. The share of compounding fees to be contributed to the Road Safety Fund is not fixed.
KARNATAKA
Karnataka Example-The Karnataka Road Safety Authority Act, 2017

• Objective: Constitution of a Road Safety Authority and establishment of Road Safety Fund

• Constitution of Karnataka Road Safety Council:
  • Chairman – Transport Minister
  • Vice Chairman- Chief Secretary
  • Member Secretary - Additional Commissioner Transport

• Functions: Advises the Karnataka Road Transport Authority

• Constitution of Karnataka Road Safety Authority
  • Chairman – Chief Secretary
  • Member Secretary - Additional Commissioner Transport
Karnataka Example-The Karnataka Road Safety Authority Act, 2017

• Functions of KRSA:
  • Formulate effective road safety policies
  • Implement projects, programmes and schemes for road safety
  • Prescribe and enforce road safety standards
  • Conduct road safety awareness programmes
  • Conduct research on road safety
  • Coordinate with other agencies
  • Administer the Road safety fund
  • Sanction expenditure for road safety activities
  • Establish road accident data management system
  • To liaise with SCCORS

• Transport Commissioner is the Road Safety Commissioner
Karnataka Example-The Karnataka Road Safety Authority Act, 2017

• Establishment of Karnataka Road safety fund.

• Source of fund
  • Contribution from Central Government
  • Contribution from State Government.
  • Contribution from other organisations
  • Compounding fee collected under section 30 (50% of collection of the previous year).

• Utilisation of fund:
  • Safety programmes
  • Purchase of equipment
  • Studies and trainings
  • Trauma care
  • Administrative expenses
  • Any matter connected with road safety
Karnataka Example-The Karnataka Road Safety Authority Act, 2017

• Power to order removal of any cause of accident
• Power to order works
• Constitution of District Road Safety Committee: The Committee constituted under Section 215 of MV Act, is empowered
• Constitution of Karnataka Road Safety Appellate Tribunal –(District Judge)
Powers to delegate

• The Authority may delegate its powers and functions (with prior approval of government) to the Road Safety Commissioner or the District Road Safety Committee.
Points for discussion

• At the District level, the Committee under this Act as well as under the Motor Vehicles Act has been merged
• The Council, though being a higher level body only advises the Road Safety Authority
• The positions of Transport Commissioner and the Road Safety Commissioner have been merged
• Road Safety Appellate Tribunal
KERALA
OBJECTIVE

• to provide for the constitution of a Road Safety Authority for the implementation of road safety programmes in the State, for the establishment of a Road Safety Fund and for matters connected therewith and incidental thereto.
• (3) The Authority shall consist of the following members, namely:-
  • (a) the Minister for Transport, who shall be the Chairman of the Authority;
  • (b) the Minister for Works, who shall be the Vice-Chairman of the Authority;
  • (c) the Chief Secretary;
  • (d) the Principal Secretary, Transport Department;
  • (e) the Law Secretary;
  • (f) the Principal Secretary, Home Department;
  • (g) the Principal Secretary, Finance Department; (h) the Principal Secretary, Public Works Department;
  • (l) the Road Safety Commissioner, who shall be the Chief Executive Officer of the Authority;
Functions of Road Safety Authority

4. Functions of the Authority.- The Authority shall have the following functions, namely:-

(a) advising the Government on road safety policies;
(b) prescribing and enforcing road safety standards and procedures;
(c) formulate and implement schemes, projects and programmes, relating to road safety; (d) co-ordinating the functions of all the agencies and Government departments discharging the duties related to road safety;
(e) implementing road safety awareness programmes;
(f) administration of the Fund;
(g) sanctioning expenditure for the implementation of road safety schemes and programmes;
(h) sanctioning expenditure for road safety projects and for purchase and installation of equipments and devices connected with road safety;
(i) sanctioning expenditure for the conduct of studies, projects and research on matters relating to road safety;
(j) sanctioning expenditure for trauma-care programmes or activities;
(k) sanctioning administrative expenditure of the Authority;
(l) sanctioning expenditure on matters connected with road safety measures;
(m) formation of self help groups, under the leadership of the Authority for the rescue operation in the place of accident;
(n) discharging such other functions, as may be prescribed, having regard to the objects of this Act.
Executive Committee

5. Executive Committee.-(1) There shall be an Executive Committee for the Authority consisting of the following members, namely:-

(a) Chief Secretary, who shall be the Chairman of the Executive Committee;
(b) Transport Commissioner, who shall be the Vice-Chairman of the Executive Committee;
(c) Inspector General of Police (Traffic);
(d) Chief Engineer (Roads and Bridges);
(e) Chief Engineer (National Highways);
(f) Director, Health Services Department;
(g) Director, National Transportation, Planning and Research Centre;
(h) Secretary, State Transport Authority- Member Secretary.
Functions of the Executive Committee

• The Executive Committee shall be in charge of the implementation of the decisions of the Authority.

• Subject to such restrictions, conditions and limitations, as may be imposed by the Authority, the Executive Committee shall exercise such powers and discharge such functions of the Authority as may be delegated to it by the Authority.

• Road Safety Commissioner.-The Transport commissioner shall be the ex-officio Road Safety Commissioner for the purpose of this Act.
Road Safety Fund

• Establishment of the Fund.- (1) After the constitution of the Authority, within one year, there shall be established a Fund to be called the "Kerala Road Safety Fund".
  • (2) There shall be credited to the Fund,-
  • 1. the amount transferred under sub-section (6) of section 10;
  • 2. grants, loans or advances made by the Government;
  • 3. grants, loans or advances made by the Government of India;
  • 4. contributions from public or private institutions or organisations; (e) compounding fee collected under section 28.
  • The Government shall contribute to the Fund every year, an amount equal to fifty percent of the compounding fee collected in the previous year under section 200 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988).
Levy of cess

• Levy and collection of cess.- (1) There shall be levied and collected one-time cess for the purposes of this Act on every motor vehicle used or kept for use in the State at the rates specified for such vehicle in the Schedule: Provided that no such cess shall be levied on a motor vehicle kept by dealer or manufacturer of such vehicle for the purpose of trade:

• (6) The proceeds of the cess levied and collected under this Act by the Government together with fines, interest and fees recovered there under shall first be credited to the Consolidated Fund of the State and after deducting the expenses of collection and recovery, as determined by the Government, the remaining amount shall, under appropriation duly made by law in this behalf, be entered into and transferred to the Fund.
Powers of the Road Safety Authority

15. Power to order works.- (1) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Authority to order any work or improvement on a public road, as it considers necessary, to secure safety on such roads and each concerned Government department or the local authority or any other authority shall be bound to carry out such works or improvement within such time, as may be specified by the Authority.
18. Delegation.- The Authority may, with the previous approval of the Government, delegate to the Executive Committee, Road Safety Commissioner or the District Road Safety Council such of its powers and functions, as it may consider necessary, for the effective implementation of the road safety.
District level organisation

19. District Road Safety Council.- (1) The Government may, by notification in the Gazette, constitute a Council to be called "the District Road Safety Council" in every district in the State. (2) Every District Road Safety Council shall consist of the following members, namely:-

(a) the District Collector- ex-officio; who shall be the Chairman of the Council;
(b) the District Superintendent of Police-ex-officio;
(c) the Executive Engineer (Roads and Bridges) - ex-officio;
(d) the Executive Engineer (National Highways)- ex-officio; and
(e) the Regional Transport Officer having jurisdiction over the head quarters of the District- ex-officio; who shall be the Member Secretary of the Council;
(f) an expert in the field of road safety nominated by the Government. (3) The District Road Safety Council shall exercise such powers and perform such functions, as the Authority may, from time to time, delegate.
Penal provisions

26. Punishment for failure to comply with the Authority's order.--(1) Whoever refuses or fails to comply with any order of the Authority or the Road Safety Commissioner or any District Road Safety Council under this Act, shall be punishable with imprisonment for a term of six months or with fine which may extend to five thousand rupees or with both.
Points for discussion

• District Road Safety Committee and the District Road Safety Council merged.
• Role of State Road Safety Council not defined.
• Positions of the Transport Commissioner and the Road Safety Commissioner merged
• Levy of one time cess