TRANSPORT INSTITUTIONS IN INDIA

P.S. Kharola
Road Transport is responsibility of Central as well as State Governments

• **Union List:**
  • Railways
  • Highways declared under law made by Parliament as National Highways
  • Aviation
  • Carriage of passengers and goods by railway, sea or air, or by national waterways in mechanically propelled vessels

• **Concurrent List**
  • Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied.

• **State List**
  • Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles
  • Taxes on goods and passengers carried by road or on inland waterways.
  • Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads,
  • Public health and sanitation; hospitals and dispensaries.
## Comparative rates of accidents

<table>
<thead>
<tr>
<th>Type</th>
<th>Deaths per billion</th>
<th>Journeys</th>
<th>Hours</th>
<th>km</th>
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<tbody>
<tr>
<td>Bus</td>
<td>4.3</td>
<td>11.1</td>
<td>0.4</td>
<td></td>
</tr>
<tr>
<td>Rail</td>
<td>20</td>
<td>30</td>
<td>0.6</td>
<td></td>
</tr>
<tr>
<td>Van</td>
<td>20</td>
<td>60</td>
<td>1.2</td>
<td></td>
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<tr>
<td>Private Car</td>
<td>40</td>
<td>130</td>
<td>3.1</td>
<td></td>
</tr>
<tr>
<td>Foot</td>
<td>40</td>
<td>220</td>
<td>54.2</td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>90</td>
<td>50</td>
<td>2.6</td>
<td></td>
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<tr>
<td>Air</td>
<td>117</td>
<td>30.8</td>
<td>0.05</td>
<td></td>
</tr>
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</table>
How is safety ensured in other modes of transport?
Safety in aviation
Ensuring safety

• Airport design
• Aircraft design
  • Emergency equipments on board
• Procedures
• Modern Communication technology – radars, GPS
• Systems and procedures
  • Regulators and extensive Rules
  • Inspection and audits
• The human element
  • Licensing
  • Training
Aviation has international ramifications

When flying between two different countries, several issues arise

a) How to communicate- different language
b) Different nations having different aviation regulations would confuse the crew and lead to serious difficulties.
c) Countries will have different safety norms
d) All nations are sovereign – how to use the air space
e) Realisation that weak safety norms in one country will have serious implication for global aviation.
f) How to bring compatibility between instruments of different countries.
g) All countries realized the necessity to evolve uniform safety and security norms
Chicago convention (Convention on International Civil Aviation)

• Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

• To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with:
  • (a) Communications systems and air navigation aids, including ground marking;
  • (b) Characteristics of airports and landing areas;
  • (c) Rules of the air and air traffic control practices;
  • (d) Licensing of operating and mechanical personnel;
  • (e) Airworthiness of aircraft;
  • (f) Registration and identification of aircraft;
  • (g) Collection and exchange of meteorological information;
  • (h) Log books;
  • (i) Aeronautical maps and charts;
  • (j) Customs and immigration procedures;
  • (k) Aircraft in distress and investigation of accidents;
The Director General of Civil Aviation – The kingpin of safety

• *The Aircraft act, 1934 is the principal legislation India that governs aircraft. It provides the power for the central government to make rules that regulate the sale, purchase, operation, use and safety of aircraft used for Civil aviation.*
  
  • The Central Government may constitute a body to be known as DGCA which shall be headed by the Director General.
  
  • The Director General of Civil Aviation or any other officer specially empowered in this behalf by the Central Government shall perform the safety oversight functions in respect of matters specified in this Act or the rules made thereunder.
  
  • The DGCA can issue Rules (CAR- Civil Aviation Requirements)
DGCA- Director General of Civil Aviation

• The Directorate General of Civil Aviation is the regulatory body in the field of Civil Aviation primarily dealing with safety issues.

• It is responsible for regulation of air transport services to/from/within India and for enforcement of civil air regulations, air safety and airworthiness standards.

• It also co-ordinates all regulatory functions with International Civil Aviation Organisation.
Functioning of DGCA

• It licenses the Airports, airlines and other related organisations.

• It licenses the aviators- pilots, engineers, flight despatchers, air traffic controllers etc.

• It regulates the training organisations – Flight Training Schools, Simulators.

• It carries out periodic inspections and audit.

• It conducts investigations into accidents/incidents (An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation)

• It lays down norms/ procedures for maintain safe operations – it is safety watchdog in the field of aviation.

• In turn DGCA is audited by ICAO and other counterparts.
SAFETY IN RAILWAYS
The Indian Railway Act

• The Commissioner of Railway Safety Working Under the Ministry of Civil Aviation of the Government of India, deals with matters pertaining to safety of rail travel and train operation and is charged with certain statutory functions as laid down in the Railway Act (1989), which are of an inspectorial, investigatory & advisory nature
Autonomy of the Commissioner

• The principle of separation of the Railway Inspectorate from the Railway Board was endorsed in 1940 by the Central Legislature who recommended that “Senior Government Inspectors of Railways should be placed under the Administrative control of some authority of the Govt. of India other than the Railway Board.”

• Accordingly, the Railway Inspectorate was placed under the administrative control of the Department of “Posts and Air” in May 1941 and continuously thereafter under whichever Ministry that held the portfolio of Civil Aviation.
Role of the Commissioner for Railway Safety

• Duties of Commissioner.—The Commissioner shall—

  a) inspect any railway with a view to determine whether it is fit to be opened for the public carriage of passengers and report thereon to the Central Government as required by or under this Act;

  b) make such periodical or other inspections of any railway or of any rolling stock used thereon as the Central Government may direct;

  c) make an inquiry under this Act into the cause of any accident on a railway; and

  d) discharge such other duties as are conferred on him by or under this Act
Ensuring safety in railways

THROUGH

a) Systems
b) Procedures and Rules
c) Human Resources
d) Technology
Common features of road safety mechanisms in other modes of transport

• Railways:
  • Exclusively with the Central Government
  • Railway Act 1989
  • The Law establishes an Independent organization for overseeing Safety – COMMISSIONER FOR RAILWAY SAFETY (Under Ministry of Civil Aviation)
  • Single agency looks after all aspects of safety
  • Emphasis on systems and procedures, audit and inspections

• Civil Aviation
  • Regulation is with Central Government, operation is with private operators
  • The Aircraft Act, 1937
  • The Law establishes and independent Regulator – Director General of Civil Aviation (DGCA)
  • Single agency looks after all aspects of safety
  • Emphasis on systems and procedures, audit and inspections
Road safety
FIVE PILLARS OF ROAD SAFETY

• 1. Safe vehicles
• 2. Safe Roads
• 3. User Behaviour
• 4. Road Safety Management
• 5. Post crash activities
# Laws and organisations involved in road safety

| FACTOR                      | LAW                                                                 | AGENCY                                           |
|-----------------------------|----------------------------------------------------------------------|                                                 |
| SAFE VEHICLES               | MOTOR VEHICLES ACT                                                   | CENTRAL GOVERNMENT, STATE GOVERNMENTS, TRANSPORT DEPARTMENT |
| SAFE ROADS                  | NO LAW MANDATING ROAD STANDARDS - HIGHWAYS ACT, MUNICIPAL ACTS      | NO DESIGNATED AGENCY                            |
| USER BEHAVIOUR              | MOTOR VEHICLES ACT, INDIAN PENAL CODE                               | TRANSPORT COMMISSIONER, POLICE                  |
| ROAD SAFETY MANAGEMENT      | STATE ROAD SAFETY AUTHORITY ACT; MOTOR TRANSPORT WORKERS ACT, MOTOR VEHICLES ACT | STATE AND DISTRICT ROAD SAFETY AUTHORITIES, TRAFFIC POLICE, TRANSPORT DEPARTMENT |
| POST CRASH ACTIVITIES       | MOTOR VEHICLES ACT, CODE OF CRIMINAL PROCEDURE                      | MEDICAL TRAUMA CARE CENTRES, INSURANCE COMPANIES, CLAIM TRIBUNALS, CRIMINAL COURTS |
SAFE VEHICLES

In India, it is mandatory for all new vehicles to obtain a Vehicle Type Approval (VTA) Certificate before they can be sold.

The VTA is given by the Government of India

Prototype testing is done approved labs – ARAI (Automotive Research Association of India).

DURING LIFETIME

• A new vehicle comes with a Fitness Certificate valid for a certain number of years.
• Post that period; one must renew the FC to comply with the rules and regulations of The Motor Vehicles Act.
• The renewal process includes a thorough vehicle inspection by the RTO (Regional Transport Office).
• The assessment is still subjective
The Standards for Motor Vehicles

The CMVR - Technical Standing Committee (CMVR-TSC) advises MoRT&H on various technical aspects related to CMVR. This Committee has representatives from various organisations namely;

Ministry of Heavy Industries & Public Enterprises (MoHI&PE),
MoRT&H, Bureau of Indian Standards (BIS),
Testing Agencies such as International Centre for Automotive Technology (ICAT),
Automotive Research Association of India (ARAI),
Vehicle Research and Development Establishment (VRDE),
Central Institute of Road Transport (CIRT),
industry representatives from Society of Indian Automobile Manufacturers (SIAM),
Automotive Component Manufacturers Association (ACMA) and
Tractor Manufacturers Association (TMA) and representatives from State Transport Departments.
Safe Roads

• The Indian Roads Congress (IRC) is the Apex Body of Highway Engineers in the country set up by the Govt. of India. IRC works in close collaboration with Ministry of Road Transport and Highways (MoRTH). The Director General (Road Development) & Special Secretary, MoRTH, is the Honorary Treasurer of the IRC.

• There are three Apex committees, which are responsible for formulation and updation of Codes of Practices, Standards and Guidelines. They are
  • Highways Specifications & Standards Committee (HSS);
  • Bridges Specifications & Standards Committee (BSS) &
  • General Specifications & Standards Committee (GSS).
ROAD RELATED INSTITUTIONS

• Indian Roads Congress
• Central Road Research Institute
• Central Institute of Road Transport
• NHAI
• Indian Academy of Highway Engineers
User Behaviour

• User behavior is regulated by

1. Regional Transport Officer (RTO)
   a) Licensing Drivers
   b) Licensing driving schools
   c) Enforcing laws

2. Traffic Police
   a) Random checks – compounding offences
FUNCTIONS OF REGIONAL TRANSPORT OFFICER (RTO)

• RTO functions as per the rules and regulations of the Motor Vehicle Act. Some of the key functions of RTO are as follows:
  • Vehicle Registration
  • Driving Licenses
  • Fitness and Pollution Certificates
  • Tax Collection
  • Permits and Transport Regulations
  • Enforcement and Traffic Management
  • Environmental Norms
Road Safety Management

1. The Regional Transport Officer
2. State and Regional Transport Authority
3. Traffic Police
4. Municipal Bodies
5. National Road Safety Council
6. State Road Safety Council
7. District Road Safety Committees
8. Supreme Court Committee on Road Safety
Authorities under the Motor Vehicles Act

• The State Government shall by notification in the Official Gazette, constitute for the State a State Transport Authority to exercise and discharge the powers and functions specified in sub-section (3), and shall in like manner constitute Regional Transport Authorities to exercise and discharge throughout such areas (in this Chapter referred to as regions) as may be specified in the notification in respect of each Regional Transport Authority; the powers and functions conferred by or under this Chapter on such Authorities. (Section 38).
Road Safety Council

• 215. Road Safety Councils and Committees.— (Motor Vehicles Act)

• (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

• (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

• (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

• (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.
Supreme Court committee on road safety

• We are aware that the journey that has been undertaken would be long and arduous. It is difficult to visualise when the same would end, if at all. To ensure the success of the process undertaken, constant supervision of this Court of the measures undertaken by the Central Government and the State Governments and the extent of affirmative action on part of the Union and the States will have to be measured and monitored by the Court from time to time.

• Keeping in mind that the time available to this Court is limited we deem it proper to constitute a Committee to undertake the process of monitoring on behalf of the Court. The Committee will have the following composition and shall function in the manner indicated below:
Supreme Court committee on road safety

• All State Governments as well as different Ministries/Departments within three months from today indicating the state of implementation and enforcement of all laws pertaining to (i) licensing; (ii) certification of fitness of vehicles; (iii) limits of use of vehicles i.e. passenger carrying capacity, weight carrying capacity etc.; (iv) use of road safety devices; (v) adherence to norms including user of roads, and (vi) deployment of adequate manpower for enforcement of the existing provisions of law.

• The Union Government as well as the State Government shall also indicate their views on the necessity of further change in the law, if any.

• The Union Government as well as the Government of the States shall also offer their views on the suggestions/recommendations of the different bodies/persons noticed and mentioned in the present order which are presently not under implementation. 57 Page 58

• The Committee shall undertake a detailed scrutiny and examination of the Report(s) that may be submitted and the views of the Central and State Governments with regard to necessity of further legislation or changes in the existing laws.
State Road Safety Authority Laws
### COMPARISON OF STATE ROAD SAFETY LAWS

<table>
<thead>
<tr>
<th>State</th>
<th>Road Safety Council</th>
<th>Kerala Road Safety Authority</th>
<th>J&amp;K Road Safety Council Act</th>
<th>Gujarat Road Safety Authority Act</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Karnataka</strong></td>
<td>Headed by the Transport Minister. Chief Secretary (Vice Chairman)</td>
<td>Kerala Road Safety Authority Chair- Transport Minister</td>
<td>Headed by the Transport Minister. Chief Secretary (Vice Chairman)</td>
<td>Heading by the Transport Minister. Transport Secretary (Vice Chairman). Chief Road Safety Commissioner- CEO</td>
</tr>
</tbody>
</table>

#### Role of the Road Safety Council
- **Advisory**

#### Functions of Road Safety Authority
1. **Formulation of Policy.**
2. **Prescribe and enforce standards.**
3. **Coordination.**
4. **Awareness.**
5. **Sanctioning expenditure for safety.**
6. **Liaise with SCCORS.**

1. **Advising.**
2. **Prescribe and enforce standards.**
3. **Road Safety Schemes.**
4. **Awareness.**
5. **Sanctioning expenditure.**
6. **Managing Road Safety Fund.**

#### Executive Committee
- **Chair**: Chaired by the Chief Secretary
- **Lead Agency**: Additional Commissioner Transport
- **Functions**: To implement decisions of the Authority

#### Functions of Executive Committee
- **To implement decisions of the Authority.**

#### Road Safety Commissioner
- **Transport Commissioner.**
<table>
<thead>
<tr>
<th></th>
<th>KARNATAKA</th>
<th>KERALA ROAD SAFETY ACT 2007</th>
<th>JAMMU AND KASHMIR(UT): ROAD SAFETY COUNCIL ACT</th>
<th>GUJARAT ROAD SAFETY AUTHORITY ACT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. 50% of compounding fee collected in the previous year</td>
<td>2. 50% of compounding fee collected in the previous year</td>
<td>2. Special Cess</td>
<td>2. Share of compounding fee collected in the previous year</td>
</tr>
<tr>
<td><strong>Use of fund</strong></td>
<td>1. Road safety programmes</td>
<td>1. Road safety programmes</td>
<td>1. Road safety programmes</td>
<td>1. Road safety programmes</td>
</tr>
<tr>
<td><strong>Comparison of State Road Safety Laws</strong></td>
<td><strong>Karnataka Road Safety Act</strong></td>
<td><strong>Kerala Road Safety Act 2007</strong></td>
<td><strong>Jammu and Kashmir (UT): Road Safety Council Act</strong></td>
<td><strong>Gujarat Road Safety Authority Act</strong></td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td><strong>Power to remove causes of accidents</strong></td>
<td>Road Safety Commissioner can issue directions</td>
<td>Road Safety Commissioner can issue directions</td>
<td>Council can issue directions</td>
<td>Chief Enforcement Officer can direct</td>
</tr>
<tr>
<td><strong>Power to order work</strong></td>
<td>The Road Safety Authority can order works to be undertaken</td>
<td>The Road Safety Authority can order works to be undertaken</td>
<td>Council can order works to be undertaken</td>
<td>The Road Safety Authority can order works to be undertaken</td>
</tr>
<tr>
<td><strong>District Road Safety Committee</strong></td>
<td>The Committee set up under the MV Act, is empowered</td>
<td>Exclusive District Road Safety Council (Collector as Chairman)</td>
<td>Constituted, but composition not specified</td>
<td></td>
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<tr>
<td><strong>Appeal</strong></td>
<td>Karnataka Road Safety Tribunal</td>
<td>Kerala Road Safety Tribunal</td>
<td>Appellate Authority</td>
<td>Appeal against officers lies with Joint Transport Commissioner, Revision with Chief Road Safety Commissioner</td>
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<tr>
<td><strong>Power to penalise</strong></td>
<td>Punishment for failure to comply with Directions of Authority/Commissioner</td>
<td>Punishment for failure to comply with Directions of Authority/Commissioner</td>
<td>Punishment for failure to comply with Directions of Council/Commissioner</td>
<td>Authority or the Enforcement Officer can impose monetary penalty</td>
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</tbody>
</table>
Road Transport and Safety Bill, 2015

1. National Road safety and Traffic Regulation Authority
   • The National Authority shall regulate and monitor
     i. the standards of design, weight, construction, manufacturing process, operation and maintenance of motor vehicles and of safety equipment;
     ii. the formulation of standards for road safety, road infrastructure and control of traffic
     iii. the facilitation of safe and sustainable utilisation of road transport ecosystem
     iv. the safety of vulnerable road users
     v. programmes for educating and sensitizing drivers and other road users

2. State Road and Traffic Safety Authority

3. Establishment of National Road Transport and Multimodal Coordination Authority
CONCLUSION

• The responsibility for road safety is distributed- different agencies for different aspects.
• No apex agency at the Centre
• Standards for roads are not enforceable
• No standards for post crash activities
• Element of subjectivity in vehicle fitness.
THANKS