



PARLIAMENT OF INDIA

RAJYA SABHA

160

**DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON TRANSPORT, TOURISM & CULTURE**

ONE HUNDRED SIXTIETH REPORT

ON

**THE NATIONAL ROAD SAFETY AND TRAFFIC MANAGEMENT
BOARD BILL, 2010**

(PRESENTED TO THE HON'BLE CHAIRMAN, RAJYA SABHA ON 21.07.2010)

(PRESENTED TO THE HON'BLE SPEAKER, LOK SABHA ON 21.07.2010)

(PRESENTED TO THE RAJYA SABHA ON 27.07.2010)

(LAID ON THE TABLE OF LOK SABHA ON 27.07.2010)

RAJYA SABHA SECRETARIAT

NEW DELHI

JULY, 2010/SRAVANA, 1932 (SAKA)

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RAJYA SABHA SECRETARIAT
NEW DELHI
JULY, 2010/SRAVANA, 1932 (SAKA)

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**COMPOSITION OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON TRANSPORT, TOURISM AND CULTURE**

(2009-2010)

- 1. Shri Sitaram Yechury - Chairman**

RAJYA SABHA

2. Shri Ramdas Agarwal
3. Shri Birendra Prasad Baishya
4. Shri Shadi Lal Batra
5. Shri Naresh Gujral @
6. Shri Syed Azeez Pasha
7. Shri Thomas Sangma
8. Shri Satish Kumar Sharma #
9. Prof. Saif-ud-Din Soz *
10. Shri Vikram Verma

LOK SABHA

11. Yogi Aditya Nath
12. Shri Avtar Singh Bhadana
13. Shri V.Kishore Chandra S. Deo
14. Shrimati Bhavana Gawali Patil
15. Shri Mahesh Joshi
16. Shri P. Karunakaran
17. Shri Jose K. Mani
18. Shrimati Ranee Narah
19. Shri Rajaram Pal
20. Shri Bal Kumar Patel
21. Shri Nama Nageswara Rao
22. Shri S.D. Shariq
23. Shri Madan Lal Sharma
24. Shri Dushyant Singh
25. Shri Jitendra Singh
26. Shri Rakesh Singh
27. Shri Shatrughan Sinha
28. Shri K. Sugumar
29. Shri Kabir Suman
30. Shri Anurag Singh Thakur
31. Shri K.C. Venugopal

SECRETARIAT

Shri N.K. Singh, Joint Secretary
Shri Jagdish Kumar, Director
Shri Swarabji B., Joint Director
Shrimati Nidhi Chaturvedi, Assistant Director

@ Ceased to be a Member of the Committee w.e.f. 9th April, 2010 and re-nominated on 29th April, 2010

* Nominated on 12th September, 2009

Ceased to be a Member of the Committee w.e.f. 5th July, 2010

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INTRODUCTION

I, the Chairman, Department-related Parliamentary Standing Committee on Transport, Tourism and Culture, having been authorized by the Committee to present on its behalf, do hereby present this One Hundred and Sixtieth Report on “The National Road Safety and Traffic Management Board Bill, 2010”.

2. The Committee, at its meetings held on the 4th June and 8th July, 2010, considered the Bill and heard the Secretary and other officials of the Ministry of Road Transport & Highways and experts/stakeholders/organizations/individuals respectively.

3. The Committee wishes to express its thanks to the officers of Ministry of Road Transport & Highways and experts/stakeholder/organization/individual for placing before the Committee the material and information desired in connection with the Bill and for clarifying the points raised by the Members.

4. The Committee considered and adopted the Report at its meeting held on the 14th July, 2010.

NEW DELHI;
14th July, 2010
Asadha 23, 1932 (Saka)

SITARAM YECHURY
Chairman,
Department-related Parliamentary Standing
on Committee Transport, Tourism and Culture.

REPORT

The National Road Safety and Traffic Management Board Bill, 2010 was introduced in the Lok Sabha on the 4th May, 2010. The Bill was referred to the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture for examination and report. Under the mandate, the Committee has examined the Bill and finalized the Report after hearing the views of the Ministry of Road Transport and Highways and experts/stakeholders.

2. The Bill seeks to provide for the establishment of the National Road Safety and Traffic Management Board for the purpose of orderly development, regulation, promotion and optimization of modern and effective road safety and traffic management system and practices in relation to the national highways and improved safety standards in highway design, construction, operation and regulate high standards in production and maintenance of mechanically propelled vehicles and for matters connected therewith or incidental thereto.

3. The reasons for and objectives behind bringing out this Bill, as informed by the Ministry of Road Transport and Highways have been enumerated in succeeding paragraphs:

3.1 Road transport is the most convenient and popular mode of transport and at the same time, it is also the most complex and unsafe mode of transportation resulting in higher number of road crashes as compared to other sectors of transportation. The world report on Road Traffic Injury Prevention (2004) of the World Bank and World Health Organization has observed that the road traffic injuries are a major but neglected health problem. The report forecasts that in the absence of increased effort and new initiatives, the total number of road traffic injuries and deaths would rise by sixty-five per cent between 2000-2020 across the world. In India, the number of deaths reported has increased to 1,14,444 in 2007 from 84,674 deaths in 2002. A study conducted in 2002 by the Planning Commission estimated the social cost of road accidents in India at about three per cent of GDP annually, which at 2000 prices is estimated at Rs. 55,000 crore. In case of developed countries, the cost of road crashes rise between one to two per cent of their GDP.

3.2 Besides, the number of vehicles in India has been increasing at an average growth rate of ten per cent. per annum since last few years. India has also taken up

an ambitious project of upgrading/broadening its National Highways and construction of Expressways. This has resulted in both volume and speed in traffic flow. At the same time, it also raises serious concerns about road safety.

3.3 In most of the developed countries, focused and scientific research is carried out on road safety and road crash injury prevention. These countries have specialized bodies to manoeuvre adequate resources and supervise the activities required to improve road safety. However, there is no such dedicated agency in India to deal with the road safety issues. Though Ministry of Road Transport and Highways is the administrative Ministry responsible for road safety efforts in the country, it does not have enforcement machinery of its own and other technical resources required to ensure better road safety activities. There are other bodies concerned for road safety issues which are Transport Department of the State Governments, automobile testing agencies, highway construction and maintenance agencies, etc. There is also a need to look into the issues as to whether the design, construction and maintenance standards of highways are being scrupulously followed both by the Government and concessionaires. It is, therefore, felt that an integrated and dedicated statutory body is necessary to provide for continuity, expertise and credibility to combat the rising menace of road accidents and fatalities in the country.

3.4 In order to look into the issue of creating a dedicated agency for road safety and traffic management, a Committee under the Chairmanship of Shri S. Sundar, former Secretary in the erstwhile Ministry of Surface Transport was constituted in the year 2005. The said Committee recommended creation of the National Road Safety and Traffic Management Board through an Act of Parliament which would be responsible to oversee road safety activities in the country.

3.5 Based on the recommendations as well as a model Bill prepared by Sundar Committee, the National Road Safety and Traffic Management Board Bill, 2010 has been prepared. The salient features of the Bill, *inter alia*, are as under:—

(a) the National Road Safety and Traffic Management Board shall consist of a Chairperson and five Members. The Chairperson would be a person of “eminence with ability, integrity and outstanding calibre who has adequate knowledge and professional experience in administration and road transport”. The five members are to be chosen, one each from amongst persons having experience in the fields of (i) road design, engineering or construction; (ii) automobile engineering or technology; (iii) data collection and analysis, accident investigation, research, finance or administration; (iv) traffic management, road user behaviour strategies or road safety education; (v) and trauma care and rehabilitation;

(b) the Board shall, *inter-alia*, perform the following functions, namely:-

(i) in relation to the national highways, recommend minimum design, construction, operation and maintenance standards; recommend minimum standards for establishing and operating trauma facilities and para-medical facilities on the national highways; conduct safety audits to monitor compliance with the standards notified by the Central Government; make recommendations or issue guidelines relating to design, construction, operation and maintenance standards for the national highways;

(ii) in relation to mechanically propelled vehicles, recommend minimum safety requirements and standards for the design and manufacture of mechanically propelled vehicles; recommend minimum conditions for safe usage of such vehicles including specifying the maximum load bearing and capacity limits; conduct or cause to be conducted safety audits to monitor compliance with the standards notified by the Central Government; recommend standards for vehicular traffic on the national highways including the schemes for segregation of various classes of vehicles in separate speed lanes and their right of way;

(iii) without prejudice to aforesaid, in relation to the national highways and mechanically propelled vehicles, establish procedures and centers for multidisciplinary crash investigation; make recommendations or issue guidelines relating to safety features for vehicles other than mechanically propelled vehicles and for safe operating conditions for such vehicles; undertake road safety and traffic education programs to create awareness amongst all sections of road users; involve NGOs working in the area of road safety and traffic management; advise the Central Government in matters relating to or arising out of traffic management on the national highways and the mechanically propelled vehicles for the purposes of ensuring road safety; 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 Motor Vehicles Act, 1988 and the rules made thereunder.

However, the Board cannot exercise the power and jurisdiction in respect of matters relating to public order, roads (other than national highways) and vehicles (other than mechanically propelled vehicles) and the matters which have been specifically provided under the Motor Vehicles Act, 1988 or the National Highways Act, 1956;

(c) the Central Government, in consultation with the National Highways Authority of India, would notify the standards relating to the national highways and mechanically propelled vehicles as recommended by the Board;

(d) creation of the National Road Safety and Traffic Management Fund for meeting the expenses of the Board wherein the one per cent of the revenue from the cess on diesel and gasoline allocated under section 10 of the Central Road Fund Act, 2000 for national highways and rail and road over bridges shall be credited;

(e) the provision for penalty of ten lakh rupees for failing to maintain the standards referred to in sub-paragraph (c) above.

4. The Committee in its meeting held on the 8th June, 2010 heard the views of the Secretary and other officials of the Ministry of Road Transport and sought replies to the queries on the subject. The Committee also heard the views of various experts relating to road development and safety and other organizations/stakeholders on the Bill on the 8th July, 2010.

5. To a specific query on the necessity for establishing a National Road Safety and Traffic Management Board, the Secretary while deposing before the Committee almost reiterated what had been given in the 'Statement of Objects and Reasons' of the Bill. The Committee then invited the attention of the Secretary to Section 215 of the Motor Vehicles Act which provided for the constitution of Road Safety Councils both by the Centre and the State Governments. The Committee wanted to know what if these Councils were strengthened/empowered both financially and legally, and a Directorate of Road Safety was set up at the Centre with the powers, more or less, similar to the Board instead of establishing another agency. The Secretary replied that the Road Safety Councils as provided in the Motor Vehicles Act confined to Motor Vehicles only and that they did not cover all the aspects of road safety. These were purely advisory bodies and they were not expert bodies. He further added that since these councils were headed by the Ministers, they were considered as part of the Government.

6. Thereafter, the Chairman and Members of the Committee expressed their reservations/concerns on various provisions of the Bill. For example, qualification and age of the Chairman of the Board was not found as per the broader scheme of the Bill; it appeared that there is an attempt to accommodate retired persons on the Board. They also felt that the composition of the Selection Committee must have been given in the Bill. They further noted that the Bill related only to the National Highways and other roads in urban and rural areas were left out. The Committee also noted that the Bill did not bring States into the proposed safety net, although the Sundar Committee had recommended about this. The existing mechanisms and institutional set up need to be strengthened first before constituting the present Board. It was also felt that Section 215 of the Motor Vehicle Act provided for National Safety Councils at the Central and State levels and by providing adequate

powers to these Council, many of the safety issues could be achieved. The Committee's recommendations on the Motor Vehicles Amendment Bill in 2008 were also raised. The Committee gave important suggestions for controlling the incident like drunken driving, rash and negligent driving, use of Mobile phones while driving etc. would have been taken care of in the Motor Vehicles Act. But the Government has not come forward with amended Bill till today.

7. In response to these observations made by the members of the Committee, the Secretary assured to furnish a detailed note addressing all the concerns raised. The Ministry *vide* their note dated 21st June 2010 submitted their comments on the major issue raised by the Committee. As regards the justification for creation of the National Road Safety and Traffic Management Board through a separate legislation rather than amending the Motor Vehicles Act, 1988 which empowers the Government to set up National Road Safety Council, the government contended:

- The Motor Vehicles Act, 1988 has been framed in terms of Entry 35 of the Concurrent list of Constitution of India which relates to the mechanically propelled vehicles. Thus the ambit of Motor Vehicles Act, 1988 would be restricted to matters relating to motor vehicles.
- Section 215 of the Motor Vehicles Act, 1988 provides for setting up of National Road Safety Council. The Government has already constituted National Road Safety Council comprising State Transport Ministers, DG/IG (Police) of States/UTs and non-official members. The mandate of the council is limited to the policy issues involving road safety aspects of motor vehicles only. Moreover, the Council cannot take up matters on day to day basis and cannot provide technical/advisory support to the Government on critical issues concerning all parameters of road safety.
- Road safety is a multi-sectoral and multi-dimensional issue involving road infrastructure, motor vehicle aspects, enforcement of Motor Vehicles Act and other Acts relevant for road safety, Traffic planning and management, provision of health and hospital services land use planning etc. Road infrastructure, traffic planning, land use planning etc. cannot be governed under Motor Vehicles Act, 1988. The requirement is to have a comprehensive coordinated approach amongst all these sectors besides having a synchronised legal framework in each sector to address road safety concerns.
- The Bill also provides for creation of National Road Safety Fund for carrying out road safety activities so that it did not have to depend on

the Government for dedicatedly by the Board without thriving on budgetary support. The Motor Vehicles Act, 1988 cannot be amended for creation of such a fund since it does not have the requisite constitutional mandate. Since the Bill has been framed deriving constitutional powers from Union List i.e., regarding national highways and also the motor vehicle, it has a wider legal perspective and hence wider applicability.

- The Board would have powers to institute legal proceedings for penalizing violation of the standards regarding highways construction/maintenance as well as road safety standards of motor vehicles. Had it been proposed to be created through Motor Vehicles Act, 1988 it would not enjoy the power to institute penalties for violation of highways standards.
- The Sundar Committee has also examined international experience in administering road safety and studied in detail the models of road safety institutions in USA, Sweden, Australia and UK. The Committee has accordingly suggested a model relevant for the country.

8. Regarding the recommendatory nature of the Board, the Ministry clarified that the Board would recommend the safety standards for motor vehicles and standards for design, construction and maintenance of highways. The Government in any way has to consider these recommendations mandatorily. The only power left in respect to these aspects is to notify these standards as it is authorized under relevant Acts.

9. In addition, the Board would have powers to conduct crash investigations, establish the procedure and methodology for data collection, transmission and analysis of road accident related data, issue guidelines relating to safety features for vehicles other than mechanically propelled vehicles, establish procedures and centers for multi-disciplinary crash investigation, to provide technically advisory support to the Government on administration of the provisions relating to road safety, issue guidelines in consultation with Ministry of Health regarding Trauma care management. Moreover, the Board would have powers to institute penalties for violation of conforming to the standards relating to design, construction and maintenance of national highways, safety standards for motor vehicles, and non-submission of information desired by the Board etc. Thus, the Board would not be merely a recommendatory body but would have sufficient advisory, coordinating and regulatory powers to deal with the road safety situation in an effective manner.

10. As regards the status of recommendations of the Committee on the Motor Vehicle (Amendment) Bill, 2007, the Ministry stated that it had taken into account all the suggestions of the Committee and was in the process of approaching the Cabinet with a revised Bill. While considering the proposal, Hon'ble Minister (RT&H) desired to have a re-look into the proposed amendments to examine whether these provisions meet the new requirements, keeping in view the fact that the process to initiate amendments in the Act was started long back in the year 2001. It was also felt that many representations/suggestions received from various quarters during the intervening period would also need to be examined and accommodated in the proposal, if found appropriate. Besides, a comparison with the contemporary Act in the neighbouring countries such as China, Japan, Malaysia and Indonesia etc. would also be required so that best practices suitable for our country could be adopted. The Law Commission, in its 234th Report on "Legal Reforms to Combat Road Accidents" also made a number of recommendations to bring out legislative changes in the relevant Acts to ensure road safety and traffic discipline. It was felt that these recommendations would also need to be adequately addressed. This Ministry had constituted a Committee in October, 2009, with the approval of Minister (RT&H), under the Chairmanship of Shri S. Sundar, distinguished fellow, The Energy and Resources Institute (TERI) and former Secretary in this Ministry to review the Act in a Comprehensive manner. The Committee, in its various meetings heard all the stakeholders as well as individuals who had requested for a hearing by the Committee. Consultation process is almost over. The Committee is in the process of finalizing its recommendations. In all probability, the new Motor Vehicle Amendment Bill may be introduced in the Parliamentary in the Winter Session this year.

11. The Committee after hearing the Ministry decided to know the views of other stakeholders, institutional as well as individuals on the road safety. As such, following appeared before the Committee on 8th July 2010.

12. The Indian Roads Congress one of the oldest and important technical body concerning roads recommends standards, specifications, guidelines etc. for roads and suggests improved methods of administration, planning, construction, operation, maintenance, policy issues and use of roads. It provides a national forum for expression of collective opinion of its members on all matters relating to the design, construction, operation and maintenance of roads and bridges including technology, equipment, materials, research, planning, finance and taxation, etc. The representative of the Indian Roads Congress submitted before the Committee that the formulation of Design Standards, Codes, Guidelines etc. of promoting road safety need to remain with Indian Road Congress, as it has adequate technical support to frame these documents. Indian Roads

Congress promotes research activities in highways engineering including road safety and traffic management. Therefore, promoting research activities on the subject has also to be kept in view while finalizing this Bill. They further added that functions of the proposed Board will be duplicate and repetitive as IRC was already performing these roles efficiently.

13. The representative of the Automotive Research Association of India (ARAI) expressed his reservations on the Boards activities relating to testing, research, audits, and investigations, as these functions were quite technical in nature and involved expenses. He also expressed apprehension over the budget allocation for such activities in the proposed Board.

14. As regards the roles of the proposed Board relating to establishing standards for motor vehicles, representative of ARAI stated that there was a well-established mechanism, viz., Central Motor Vehicles Rule (CMVR)-Technical Standing committee working under Ministry of Road Transport & Highways. Additionally, under the National Automotive Testing and R&D Infrastructure Project (NATRIP), National Automotive Authority was being set up. This will bring under one umbrella all these significant interventions for the automotive sector as well as all the necessary automotive testing and homologation infrastructure which includes road safety related infrastructure like accident data analysis center, passive safety labs at 3 centers including different types of crash labs, etc.

15. ARAI further submitted that several national efforts are already made by organization like 'National Safety Council', 'National Road Safety Council' 'Indian Road Congress' etc. Synergy may be established between them. Their scope needs to be clearly defined as otherwise there would be unnecessary duplication.

16. The Indian Road Foundation of Transport Research and Training (IFTRT) submitted before the Committee that Section 21 of the National Road Safety and Traffic Management Board Bill 2010, mentions various penalties in case of poor standards of design or construction or operation of National Highways. It also talks about the responsibility for maintaining the standards for design or manufacture or operation of mechanically propelled vehicles, which fail to comply with standards for design or manufacture of motor vehicles in the country. It also prescribed fixed cash penalties for non compliance of the official standards by any Government Agency under the relevant law. The IFTRT suggests that with regard to fixation of or prescribing cash penalties for non-compliance of highway standards and / or of motor vehicle performance standards by the concerned agency / organization/ body, the cash penalty is not a sufficient punishment for

supply of defective vehicles / tyres or construction of sub-standard roads / bridges in the country in the interest of road safety. In fact, this Bill or any other legislation or the Motor Vehicle Act or Rules provide for 'Product Recall' - to "recall" the defective type / batch/ model/size of motor vehicles / automotive tyres that have proved to be dangerous to the safety of road users. The 'product recall' mechanism exists in United States of America, Europe, Japan, South Korea etc. In the event of warranty failure for vehicles like cars, multi-utility vehicles (MUVs), trucks, buses, etc. and their tyres, the vehicle and tyre manufacturers should be duty bound to report warranty failure to the designated agency on monthly basis and in case the warranty claims of a particular product exceeds 5% of total production of a batch of vehicles / tyres, then the manufacturer should be given an option to voluntarily recall the use or in stock vehicles and/ or tyres with them. In USA, Europe, Japan or Korea, the vehicle failure or tyre failure is subject to stringent product liability laws in event of these product failures result in road fatalities or injuries to the road users. In recent past, the recall of the passenger vehicles by World's largest car maker – M/s. Toyota Motors Ltd.- is the latest example of product recall and subsequent legal liability across the six continents. He stated that putting up some cash penalty cannot achieve the bigger goal of road safety on Indian Road and Highways.

17. Clause 4(1) of the draft Bill indicates that "The Chairperson shall be a personwho has adequate knowledge and professional experience in administration and road transport." In this connection, the Officers Association of Central Engineering Services (Roads) submitted that in days to come, the professionals with long experience in the Highway Sector would be given important roles in decision making and providing leadership to the concerned institutions, that are currently being managed by generalists, who do not have the requisite practical experience and knowledge to decide the technical matters. In this context, the Delhi Metro's performance, headed by a technocrat, was mentioned as an example to follow.

18. It was argued that the administration should not become the core/top function in the Board as it tends to focus on 'maintaining status quo' and 'going by precedents only. Such persons at decision-making levels (of Chairman/ Member) should not be given a role in shaping safety policies.

19. They said that only four Es viz., Engineering, Education, Enforcement and Emergency Medical Services alone can ensure comprehensive highway safety. Hence the Engineering / Education / Enforcement / Emergency Medical Services Experts (from Government / private Sectors) alone should be the Members; and the Chairperson should be from the particular Infrastructure Sector itself viz., Highway

Engineering subject to his being visionary and innovator with minimum 28 years experience holding the post of Chief Engineer or above. In this connection it is to be kept in view that the CES(R) is the sole Central Government Cadre for the Highway Infrastructure Development, who put their heart & soul and career for improving the Sector; and not the Generalists who never identify themselves with any particular Sector during their long career but identify with their 'batch' / 'State' / 'Cadre' only, and who are more focused on improving their career prospects than the improvement of any particular Sector; but for the retirement age being 65, they will be aspiring for greener pastures only.

20. They further argued that to weed out the post retirement aspirants, the retirement age of the members and the Chairman of the Board should be kept as 60 only. This will ensure that only the persons who are willing to dedicate the prime period of their career to Highway Safety will come to the Board. Eminent innovative retired personnel can still contribute to the efforts of the Highway Safety Board as Advisers / Consultants.

21. Clause 5 of the Draft Bill should elaborate on the composition of the Selection Committee otherwise the influential administrators will be able to have their favored ones on the Board.

22. During the deliberations, one of the stakeholders submitted that the qualifications suggested by Sundar Committee for the Chairman and members of the proposed Board were very specific such as special knowledge and professional qualifications in the fields of road safety, etc whereas in Clause 4 of the Bill, it has been made vague.

23. One of the stakeholders while appearing before the Committee informed that the minimum qualifications mentioned for the post of members and chairperson of the Board do not match the demand of this sector. The retirement age of members and chairperson fixed at sixty five definitely exposes the Government's intention in filling such posts. They further added that appointment of generalist chairperson or members will make the board a hub for servicing/retired government officials. They stated that the board should have hard core professionals particularly those extensively experienced in the Highway sector as members and chairperson as they have to play important roles in both decision making and providing adequate leadership to the concerned institutions, which are currently being managed by generalists.

OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

24. After detailed deliberations with the Secretary and other officers of the Ministry of Road Transport and Highways and the representatives of various stakeholders and individual experts from the field of road and vehicular safety, and after going through the notes and material supplied to it, the Committee is constrained to observe that the legislative proposal to create the proposed Board for road safety and traffic management need to be made comprehensive and complete, as it leaves out so many important and integral aspects of road safety.

25. The Committee finds that currently, almost all the issues relating to the road safety are being taken care of in the existing framework at the Central and State levels, supported by academic institutions, private sector, industry and NGOs. For example, there is a National Road Safety Council working as advisory body in which all the State governments and Union territories have their representatives. Then, we have a Transport Development Council at the Centre - an Inter-ministerial body for laying down common policies for road transport. Then, we have Transport Division in the Ministry of Road Transport and Highways, headed by a Joint Secretary to look after motor vehicles legislations, transport related matters and the administration of road safety schemes. There is an engineering wing in the Ministry, the Roads Wings, (headed by the Director-General, two ADGs and 16 Chief Engineers) that sets standards for road designs, construction and operation of national highways. It works in consultation with the Indian Road Congress. We have the National Highways Authority of India for construction and development and maintenance of national highways; the road safety aspects are built into its mandate. It also provides ambulances and trauma centres on the highways and does the highway patrolling. As regards testing and validation of the vehicles, we have a number of institutions - Automotive Testing & Research Institutions – Central Institute of Road Transport (CIRT), Automotive Research Association of India (ARAI), Vehicle Research and Development Establishment (VRDE). Besides, Indian Institute of Technology, School of Planning and Architecture and some NGOs are also providing the help and assistance in meeting out the safety standards for vehicles and roads. Under the NATRIP of Government of India, various centres are being set up all over the country that will undertake automotive testing and set up validation facilities, accident data analysis facilities and specialized driving centres.

26. It is evident that almost all the aspects of road safety that have been proposed to be vested in the Board, are being taken care of in the existing framework.

27. The Committee notes that the problems in the existing framework, also identified by Sundar Committee, are: existence of a large number of agencies at the Centre and States and lack of coordination amongst them, lack of skilled professionals and adequate funding, research issues are not being identified, crash investigations not being carried out by using modern techniques/methodology, data/statistics on road accidents, etc. are not being collected and analysed properly.

28. The Sundar Committee in para 5.12 page 14 of the Report delineates, very rightly, various aspects of road safety to be the responsibility of different authorities from the Central to the local levels - such as municipal authorities, police, transport department, stakeholders including automobile and insurance industry, members of civil society, etc. It describes this system as a highly “fragmented and diffused”.

29. The Committee finds that the proposed Bill is not going to do away with any of the existing agencies; all the existing bodies will continue to be there even after the Board has been created. The Committee also finds that the proposed Board would mainly aid and advise the Ministry in matters relating to road safety.

30. The Committee is of the view that in the name of having an integrated mechanism, it is, in fact, creating yet another institution adding to the existing ones, instead of reducing their numbers. To this extent, this approach appears to be contradictory. The Committee is also, no doubt, aware of the weaknesses in the existing framework, which is why, it had itself suggested in its 135th and 144th Reports to put a coordinating agency in place. The proposed Board, however, does not appear to have a holistic perspective and is hence incomplete.

31. The need, in fact, is to bring about a synergy and better coordination between these units/organizations by strengthening the existing mechanism and making it effective, rather than creating another one. The Committee is surprised to see that the proposed Board, the stated objective of which is to effect coordination amongst the existing bodies/institutions, has not been empowered to do so, by the present Bill.

32. The Committee finds that the Board shall have power to make recommendations pertaining to road safety and traffic management, only in relation to national highways. This will limit the mandate of the Board as more than 70% of the accidents in the country take place on the roads other

than the national highways. The National Highway network is just 2% of the total road network in the country.

33. The Motor Vehicle (Amendment) Bill, 2007, was considered by the Committee and a number of important recommendations relating to road safety were made in its 139th Report that was sent to the Government for incorporating in the Bill. The Committee is at a loss to see that the Government has not brought the Bill to the Parliament again. The Committee is of the view that had the Government taken action on the recommendation of the Committee, it would have certainly improved the road safety scenario in the country. The Committee was informed that the recommendations of the Committee are being looked into by an Expert Group constituted by the Government and the final view in this regard was yet to be taken. The Committee was surprised to know that the process of amending Motor Vehicle Act that was taken up long back in 2001, is still pending. While amendment to Motor Vehicle Act is still under consideration of the Government, another Bill relating to road safety has been brought to the Parliament. The Committee does not approve the idea of bringing legislative proposals piecemeal before the Parliament, which is hard pressed for time.

34. It is a matter of great concern that the Government has not come up with a National Road Safety Policy till today. It is learnt that such a policy is under consideration. Policy representing Government's commitment as it does, should take precedence over any other measures, legal or executive. The Committee calls upon the Government to expedite the formulation of the National Road Safety Policy. 'Political commitment', lack of which the Sundar Committee has talked about, will be visible only if there were such a policy aimed at curbing mortality and morbidity on the roads.

35. The Committee was informed that the idea of a Board has been suggested after studying the road safety framework existing in USA, U.K., Sweden and Australia. The Committee is surprised to find that while the National Highway Traffic Safety Administration (NHTSA) in USA and Swedish National Road Administration (SNRA) in Sweden have been identified as the best examples, the existence of Road & Vehicles Safety Directorate in U.K. and ATSB in Australia that work under the Department of Transport have been conveniently overlooked. The Committee also notes that even USA and Sweden, cited as two most successful models, also have multiple agencies looking after different aspects of road safety. Lastly, experiences of USA, UK, and Sweden in road safety cannot be relevant to our country, as the dimension and nature of our problems are totally different.

Perhaps the examples of countries like Brazil, China, etc. would have been of greater relevance to us.

36. The Committee is surprised to note that while the Members of the Board will be having requisite experience in the fields of road design, engineering or construction, automobile engineering or technology, data collection and analysis, accident investigation, research, finance or administration, traffic management, road user behavior strategies or road safety education, trauma care and rehabilitation, the Chairperson of the Board will be simply having adequate knowledge and professional experience in administration and road transport. The Committee is constrained to note that the qualification for appointment of Chairperson of the Board has been diluted from what has been suggested by the Sundar Committee.

37. Most of the representatives and experts of the road safety who appeared before the Committee indicated about the existence of corruption in different areas of road safety and traffic management right from the design, construction, maintenance and operation of national highways and other roads upto traffic management at the local level. The Committee had expressed its concern about the existence of this malaise in this sector in its 155th Report. It feels that any measure/mechanism for improving the road safety and traffic management will not be of much impact, unless the menace of corruption in this area is taken care.

38. The Committee also notes that the Cabinet Committee on Infrastructure (COI) headed by the Prime Minister had asked the M/o RT&H “*to present a note for the creation of Directorate of Road Safety and Traffic Management*”. As per this direction, the said note was to be considered by an Empowered Committee of Secretaries (ECS). Whether the said note was prepared and considered by the Empowered Committee of Secretaries and the opinion of the ECS was brought to the notice of the COI, is not known to the Committee. The Committee is surprised to note that instead, a Sundar Committee was appointed that recommended creation of this Board. For example, while the first para of the Office Memorandum issued by the Ministry constituting the Sundar Committee talks about Prime Minister’s approval about creating a Directorate of Road Safety, the second para provides for the constitution of the Sundar Committee.

CONCLUSION

39. In view of the apprehensions and concerns expressed on various provisions of the Bill, the Committee is of the considered opinion that (i) the present Bill addresses road safety issues relating to national highways only; road safety is a common problem to the national as well as State and other roads; therefore, there has to be a common solution for the common problem; (ii) the present Bill does nowhere provide the Board expressed power of effecting coordination amongst the different agencies; (iii) the powers of the proposed Board will be mainly advisory in nature, which would render it ineffective ; (iv) the powers and functions of the proposed Board would certainly lead to unnecessary duplication adding to the confusion in all the aspects, particularly in regard to the specifications, standards to be laid down for the national highways, which will be different for the State and other roads.

40. The Committee also shares the concern about rising accidents/fatalities at our roads and strongly feels that there should be no compromise in our efforts to achieve highest standards of road safety comparable to anywhere in the world. The Committee, therefore, recommends that the present Bill may be withdrawn and the Government should come out with a comprehensive legislation with holistic perspective that addresses the entire gamut of road safety.

OBSERVATIONS/CONCLUSIONS/RECOMMENDATIONS - AT A GLANCE

After detailed deliberations with the Secretary and other officers of the Ministry of Road Transport and Highways and the representatives of various stakeholders and individual experts from the field of road and vehicular safety, and after going through the notes and material supplied to it, the Committee is constrained to observe that the legislative proposal to create the proposed Board for road safety and traffic management need to be made comprehensive and complete, as it leaves out so many important and integral aspects of road safety.

(Para: 24)

The Committee finds that currently, almost all the issues relating to the road safety are being taken care of in the existing framework at the Central and State levels, supported by academic institutions, private sector, industry and NGOs. For example, there is a National Road Safety Council working as advisory body in which all the State governments and Union territories have their representatives. Then, we have a Transport Development Council at the Centre - an Inter-ministerial body for laying down common policies for road transport. Then, we have Transport Division in the Ministry of Road Transport and Highways, headed by a Joint Secretary to look after motor vehicles legislations, transport related matters and the administration of road safety schemes. There is an engineering wing in the Ministry, the Roads Wings, (headed by the Director-General, two ADGs and 16 Chief Engineers) that sets standards for road designs, construction and operation of national highways. It works in consultation with the Indian Road Congress. We have the National Highways Authority of India for construction and development and maintenance of national highways; the road safety aspects are built into its mandate. It also provides ambulances and trauma centres on the highways and does the highway patrolling. As regards testing and validation of the vehicles, we have a number of institutions - Automotive Testing & Research Institutions – Central Institute of Road Transport (CIRT), Automotive Research Association of India (ARAI), Vehicle Research and Development Establishment (VRDE). Besides, Indian Institute of Technology, School of Planning and Architecture and some NGOs are also providing the help and assistance in meeting out the safety standards for vehicles and roads. Under the NATRIP of Government of India, various centres are being set up all over the country that will undertake automotive testing and set up validation facilities, accident data analysis facilities and specialized driving centres.

(Para: 25)

It is evident that almost all the aspects of road safety that have been proposed to be vested in the Board, are being taken care of in the existing framework.

(Para: 26)

The Committee notes that the problems in the existing framework, also identified by Sundar Committee, are: existence of a large number of agencies at the Centre and States and lack of coordination amongst them, lack of skilled professionals and adequate funding, research issues are not being identified, crash investigations not being carried out by using modern techniques/methodology, data/statistics on road accidents, etc. are not being collected and analysed properly.

(Para: 27)

The Sundar Committee in para 5.12 page 14 of the Report delineates, very rightly, various aspects of road safety to be the responsibility of different authorities from the Central to the local levels - such as municipal authorities, police, transport department, stakeholders including automobile and insurance industry, members of civil society, etc. It describes this system as a highly “fragmented and diffused”.

(Para: 28)

The Committee finds that the proposed Bill is not going to do away with any of the existing agencies; all the existing bodies will continue to be there even after the Board has been created. The Committee also finds that the proposed Board would mainly aid and advise the Ministry in matters relating to road safety.

(Para: 20)

The Committee is of the view that in the name of having an integrated mechanism, it is, in fact, creating yet another institution adding to the existing ones, instead of reducing their numbers. To this extent, this approach appears to be contradictory. The Committee is also, no doubt, aware of the weaknesses in the existing framework, which is why, it had itself suggested in its 135th and 144th Reports to put a coordinating agency in place. The proposed Board, however, does not appear to have a holistic perspective and is hence incomplete.

(Para: 30)

The need, in fact, is to bring about a synergy and better coordination between these units/organizations by strengthening the existing mechanism and making it effective, rather than creating another one. The Committee is surprised to see that the proposed Board, the stated objective of which is to effect coordination amongst the existing bodies/institutions, has not been empowered to do so, by the present Bill.

(Para: 31)

The Committee finds that the Board shall have power to make recommendations pertaining to road safety and traffic management, only in relation to national highways. This will limit the mandate of the Board as more than 70% of the accidents in the country take place on the roads other than the national highways. The National Highway network is just 2% of the total road network in the country.

(Para: 32)

The Motor Vehicle (Amendment) Bill, 2007, was considered by the Committee and a number of important recommendations relating to road safety were made in its 139th Report that was sent to the Government for incorporating in the Bill. The Committee is at

a loss to see that the Government has not brought the Bill to the Parliament again. The Committee is of the view that had the Government taken action on the recommendation of the Committee, it would have certainly improved the road safety scenario in the country. The Committee was informed that the recommendations of the Committee are being looked into by an Expert Group constituted by the Government and the final view in this regard was yet to be taken. The Committee was surprised to know that the process of amending Motor Vehicle Act that was taken up long back in 2001, is still pending. While amendment to Motor Vehicle Act is still under consideration of the Government, another Bill relating to road safety has been brought to the Parliament. The Committee does not approve the idea of bringing legislative proposals piecemeal before the Parliament, which is hard pressed for time.

(Para: 33)

It is a matter of great concern that the Government has not come up with a National Road Safety Policy till today. It is learnt that such a policy is under consideration. Policy representing Government's commitment as it does, should take precedence over any other measures, legal or executive. The Committee calls upon the Government to expedite the formulation of the National Road Safety Policy. 'Political commitment', lack of which the Sundar Committee has talked about, will be visible only if there were such a policy aimed at curbing mortality and morbidity on the roads.

(Para: 34)

The Committee was informed that the idea of a Board has been suggested after studying the road safety framework existing in USA, U.K., Sweden and Australia. The Committee is surprised to find that while the National Highway Traffic Safety Administration (NHTSA) in USA and Swedish National Road Administration (SNRA) in Sweden have been identified as the best examples, the existence of Road & Vehicles Safety Directorate in U.K. and ATSB in Australia that work under the Department of Transport have been conveniently overlooked. The Committee also notes that even USA and Sweden, cited as two most successful models, also have multiple agencies looking after different aspects of road safety. Lastly, experiences of USA, UK, and Sweden in road safety cannot be relevant to our country, as the dimension and nature of our problems are totally different. Perhaps the examples of countries like Brazil, China, etc. would have been of greater relevance to us.

(Para: 35)

The Committee is surprised to note that while the Members of the Board will be having requisite experience in the fields of road design, engineering or construction, automobile engineering or technology, data collection and analysis, accident investigation, research, finance or administration, traffic management, road user behavior strategies or road safety education, trauma care and rehabilitation, the Chairperson of the Board will be simply having adequate knowledge and professional experience in administration and road transport. The Committee is constrained to note that the qualification for appointment of Chairperson of the Board has been diluted from what has been suggested by the Sundar Committee.

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