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The Gujarat Government Gazette

EXTRAORDINARY

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Vol. LI]**THURSDAY, MARCH 18, 2010/PHALGUNA 27, 1931****Separate paging is given to this Part in order that it may be filed as a Separate Compilation****PART - V****Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill Which was introduced on the 18th March, 2010 by Shri Arjunbhai Modhawadia (Smt. Vibhavariben Dave) M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL No. 12 OF 2010.

THE GUJARAT PREVENTION OF ACCIDENTS ON HIGHWAYS BILL 2010

A BILL

to make provisions for prevention of accidents on highways and for matters connected therewith

It is hereby enacted in the Sixty one Year of the Republic of India, as follows:-

1. (1) This Act may be called the Gujarat Prevention of Accidents on Highways Act, 2010. **Short title and commencement.**

(2) It shall come into force at once.

Definitions 2. In this Act, unless the context otherwise requires,-

(a) "Special Authority" means the Authority constituted under section-3 of this Act.

(b) "Highway" means, State Highways, National Highways and such other roads as may be classified as such by the State Government.

(c) "Traffic Police" means a section of the Gujarat Police looking after the regulations of Highways Traffic.

(d) The expressions which are used, but not defined shall have the same meaning has being given in the Motor vehicles Act, 1988. **Lix of 1988**

Establishment of Special Authority.

3. (1) The State government shall by notification in the Official gazette establish a special Authority to Supervise and work for the prevention of accidents on highways in the State of Gujarat.

(2) The Special Authority shall consist of the Chairman and such other members not exceeding 14 as may be appointed by the State Government.

Provided that at least two members of the Gujarat Legislative Assembly shall be appointed on the Special Authority.

Tenure of the members of the Special Authority

4. (1) The Chairman and members of the Special Authority shall be appointed for period of 3 years from the date of appointment.

Provided that the members of Gujarat Legislative Assembly shall continue to be members for full term of the Special Authority eventhough they cease to be members of the Assembly.

Payment of Allowances to the Chairman and other members of the Special Authority

5. The Chairman and members of the Special Authority shall not be entitled to receive any salary but they shall be entitled to receive the allowances for performing their duties as may be determined by Government.

Staff under the special Authority

6. (1) The staff under the Special Authority shall consist of--

(a) Secretary, who shall be appointed by the Government and;

(b) Such other employees as the Special Authority may, with the previous approval of the State Government, appoint from time to time.

(2) The Salary of the Secretary and other employees shall be such as may be prescribed.

(3) The other terms and conditions of the services of the Secretary and other employees shall be such as may be prescribed.

7. The function of the Special Authority shall be;

Functions of the special Authority.

(a) to supervise the road traffic and to suggest the measures for avoiding accidents on the highways.

(b) to keep record of accidents and to find out the common causes of the accidents and to suggest the remedial measures.

(c) to suggest changes in the existing highway traffic rules.

(d) The State highway police shall implement the suggestions made by the special Authority and shall also carry out the instructions issued by it and will provide necessary assistance to the Authority.

8. (1) The Government may frame the rules by notification in the Official **Rules.** Gazette to carry out the objects of the Act.

(2) The rules made under this Section shall be made before the Legislature of the State at the sessions thereof next following and shall be liable to be modified or rescinded by a resolution passed by the Legislature and such rules after notifying in the Official gazette, be deemed to have been modified or rescinded accordingly.

STATEMENT OF OBJECTS AND REASONS

As present the road Accident on the Highways of Gujarat are increasing at an alarming rate. Every day several accidents occur on the Highways resulting in loss of lives of the people and also making many people invalid by severe and permanent injuries;

The exiting machinery of highway Police which looks after the highway traffic is not sufficient to check the highway accident.

Therefore, a separate Special Authority is proposed to be set up to suggest measures and issue directions to the Highway traffic Police with a view to control and minimise accidents taking places on highways of Gujarat.

Dated the 5th March, 2010.

ARJUNBHAI MODHAWADIYA, M.L.A.

Gandhinagar.

(VIBHAVARIBEN DAVE, M.L.A.)

FINANCIAL MEMORANDUM

Section 5 and 6 of the bill provides for giving salaries and allowances to the Chairman, Members and Staff of the special Authority which may involve expenditure from the consolidated Fund of the State of about Rs. 15 lacs per years.

Dated the 5th March, 2010.

ARJUNBHAI MODHAWADIYA, M.L.A.

Gandhinagar.

(VIBHAVARIBEN DAVE, M.L.A.)

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of Legislative powers in the following respects:-

Clause 3.--This clause empowers the State Government to appoint by notification in the *Official Gazette*, a Special Authority.

Clause 5.--This clause empowers the State Government to determine the allowances to the chairman and Members of the special Authority.

Clause 6.--This clause empowers the State Government to approve the strength and other conditions of services of the Secretary and employees under the Special Authority.

Clause 8.--This clause empowers the State Government to frame the rules to carry out the objects of the Act.

The delegation of Legislative powers are of normal character.

Dated the 5th March, 2010.

ARJUNBHAI MODHAWADIYA, M.L.A.

Gandhinagar.

(VIBHAVARIBEN DAVE, M.L.A.)

Gandhinagar.

D. M. PATEL,

Dated the 18th March, 2010.

Secretary,

Gujarat Legislative Assembly.
