



SUPREME COURT COMMITTEE ON ROAD SAFETY

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TIME BOUND
COURT MATTER
No. 29/CoRS/2014(Vol.4)
Dated: 18th July, 2018

To
Shri D. Senthil Pandian, IAS
Principal Secretary, Transport
Govt. of Uttarakhand
Dehradun
Email: transportdeptuk@gmail.com

Subject: Writ Petition (Civil) No.295 of 2012 – Order of the Hon'ble
Supreme Court dated 30th November, 2017 on road safety

Sir,

As per the information provided by you in the compliance report on the directions of the Hon'ble Supreme Court dated 30th November, 2017, the Committee had prepared a Statement showing the compliance reported by you on each item and had submitted the Statement to the Hon'ble Supreme Court. A copy of the same is annexed (**Annexure**).

2. The matter came up for hearing in the Hon'ble Supreme Court on 12th July, 2018. The Hon'ble Court had observed that certain compliance has not been made by some of the States/UTs and had desired that this Committee should ask them to comply with those directions which have not yet been fully complied with by them.

3. The last column of the Statement referred to above indicates the observations of the Committee, on the basis of your Report, as to whether the directions have been fully complied with or not by you.

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4. The Committee now directs that those directions which have not yet been fully complied with by you must be complied with fully without further delay. A Report on the compliance by you should be forwarded to the Committee latest by **31st August, 2018** to enable the Committee to apprise the Hon'ble Supreme Court of the States/UTs which are still in default.

Yours faithfully,



(S.D. Banga)

Secretary to the Committee

Copy to:

- (i) Chief Secretary,
Govt. of Uttarakhand
Email: cs-uttaranchal@nic.in
- (ii) Transport Commissioner,
Govt. of Uttarakhand
Email: tc-trans-uk@nic.in

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1.	Road Safety Policy: Most of the State Governments and Union Territories have already framed a Road Safety Policy. Those that have not framed such a policy namely Assam, Nagaland, Tripura, Delhi, Lakshadweep, Dadra and Nagar Haveli and Andaman and Nicobar Islands, must now formulate the Road Safety Policy by 31 st January, 2018. All States and Union Territories are expected to implement the Road Safety Policy with all due earnestness and seriousness.	The Committee directed the State to formulate the State Road Safety Policy.	The State notified its State Road Safety Policy on 09.02.2016 and directed all stake holder Departments to act accordingly on 23.02.2018.	The State has complied with the direction.
2.	State Road Safety Council: All States have already constituted a Road Safety Council in terms of Section 215 of the Motor Vehicles Act, 1988. The Union Territories of Daman and Diu, Dadra and Nagar Haveli and Andaman and Nicobar Islands have not constituted the Road Safety Council as yet. We direct these Union Territories to constitute the State Road Safety Council on or before 31 st January, 2018. The responsibility and functions of the Council will be as recommended by the Committee on Road Safety. The State Road Safety Councils should periodically review the laws and take appropriate remedial steps wherever necessary.	The Committee directed the State to set up the State Road Safety Council and hold its meetings at least twice a year and place Action Taken Report on the minutes of the meeting of the Council in the ensuing meeting of the Council.	The State reconstituted the State Road Safety Council on 13.05.2015. The Council met once in 2017.	The State has partially complied with the direction. The Council did not meet regularly in 2017.
3.	Lead Agency: Only a few States have established	The Committee has	The State has reported that it	The State has not

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	the Lead Agency as recommended by the Committee on Road Safety in its communication of 23 rd December, 2014. The States and Union Territories that have not done so should establish the Lead Agency on or before 31 st January, 2018 in terms of the recommendations made by the Committee on Road Safety. It may be mentioned that the Lead Agency will act as the Secretariat of the State Road Safety Council and coordinate all activities such as licensing issues including issues of driving licences, registration of vehicles, road safety and features of vehicles, along with other allied matters including emission norms and other activities as mentioned in the communication dated 23 rd December, 2014.	directed the State to set up Lead Agency headed by senior officer not below rank of Additional Commissioner/ Joint Commissioner and supported by full time staff having domain knowledge drawn from the concerned stakeholder departments viz. Police, PWD, Health and Education.	had set up a Committee under the Chairmanship of the Transport Commissioner in December, 2016 as Lead Agency.	complied with the Committee's directions.
4.	Road Safety Fund: Some of the States have already established a Road Safety Fund. Those States and Union Territories that have not yet established the Road Safety Fund should do so not later than 31 st March, 2018 and report back to the Committee on Road Safety. The corpus of the Road Safety Fund will be from the fines collected for traffic violations and the Fund will be utilized for meeting expenses relating to road safety.	The Committee directed the State to set up non-lapsable Road Safety Fund by making available a portion of the fines collected from traffic offences and also by making adequate provision in the budget.	The State had notified the Uttarakhand Road Safety Fund Rules on 20.11.2017. The State has reported that budget provision has been made in 2017-18 and 2018-19.	The State has not complied with the direction. Though the State notified the Uttarakhand Road Safety Fund Rules, it has not yet constituted the Road Safety Fund as required under

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				Rule 3 (1) read with 13 (2) of the Uttarakhand Road Safety Fund Rules.
5	Road Safety Action Plan: The purpose of a Road Safety Action Plan is to reduce the number of road accidents, as well as the fatality rate. The MoRTH has already requested all the States and Union Territories to prepare a Road Safety Action Plan but it appears that the response to this has been somewhat lukewarm. The State Governments and Union Territories are therefore directed to urgently prepare a Road Safety Action Plan by 31 st March, 2018 and put it into action after giving it due publicity.	The Committee has directed the State to prepare Road Safety Action Plan along with year wise targets for reduction of road accidents and deaths, human and financial resources required to achieve the targets, the nodal agencies for each activity, the targets and the strategy to achieve those targets.	The State has reported that inputs from stake holders Departments are being taken to prepare a revised Road Safety Action Plan.	The State has not complied with the direction.
6.	District Road Safety Committee: A District Road Safety Committee is required to be set up by the State Government for every district in terms of Section 215(3) of the Motor Vehicles Act, 1988. As suggested by the learned <i>Amicus</i> and agreed to by the MoRTH, the District Road Safety Committee should be put in place by 31 st January, 2018 and should be headed by the Collector of the District and should include amongst others the Superintendent of Police, Health Officers, Engineers	The Committee directed that the State should constitute District Road Safety Committee (DRSCs) in each district, fix appropriate targets for them and monitor their performance on monthly basis and that each District Road Safety Committee should conduct district wise analysis of accident &	The State constituted District Road Safety Committees (DRSCs) on 24.07.2017 under the chairmanship of the District Magistrates who have been advised to hold monthly meetings.	The State has partially complied with the direction. 1. District Road Safety Committees did not meet regularly. 2. The Committee will pursue with the State to ensure that the District Road Safety Committees (DRSCs)

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	of the Public Works Department, representatives of the National Highways Authority of India, the Road Transport Officer of the District and members of civil society from the District. The District Road Safety Committee must hold regular and periodic meetings to review road safety issues and take corrective measures.	fatality data; identify all vulnerable road segments; and recommend specific strategies for reducing road accidents and fatalities.		perform functions as desired by the Committee.
7.	Engineering Improvement: It appears that one of the main reasons for road accidents is the poor quality of roads, improper design, etc. The MoRTH is of the opinion that the protocol for road design and identification of black spots needs to be reviewed and enforced. Accordingly, it is directed that the MoRTH should publish a protocol for identification and rectification of black spots and take necessary steps for improving the design of roads to make them safe.	The Committee has directed the State to draw up an annual calendar/Protocol for identification of Black Spots, their removal and further monitoring to see the effectiveness of the action taken.	The State has stated that it is for MoRTH to comply with this direction.	The State has not complied with the direction. The State has not prepared the protocol for Black Spots in respect of State roads.
8.	Traffic Calming Measures: It is suggested by the learned <i>Amicus</i> that traffic calming measures must be adopted at accident prone areas. This is agreed to by the MoRTH. However, such measures will need to be studied and then put in place. This is an on-going exercise which must be carried out by the Road Safety Committee with the assistance of the MoRTH and other stakeholders.	The Committee directed the State to adopt appropriate traffic calming techniques at all required locations including roads where roads merge in or diverge from the National and State Highways and MDRs.	The State has reported that 4165 Kms of roads has been covered by Speed Calming measures and the remaining 8113 Kms of roads will be covered by end 2020.	The State has partially complied with the direction. The Committee will ask the State to carry out audit of roads and such audits will reveal the

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9.	Road Safety Audit : There is agreement, in principle, between the learned <i>Amicus</i> and the MoRTH to carry out Road Safety Audits. However, there appears to be a dearth of qualified auditors in Road Safety Engineering. The MoRTH supports the idea of capacity building. It is, therefore, directed that necessary steps be taken by the Committee on Road Safety as well as by the MoRTH to work in this direction since there can be little doubt that an audit of road safety is essential to reduce the possibility of road accidents through corrective measures.	The Committee directed the State to train highway engineers in road safety and utilise their services as master trainers and to prepare annual training calendars for imparting training to highway engineers in road safety.	The State has reported that 45 out of 1274 PWD engineers have been trained at Indian Academy of Highway Engineers (IAHE) and NHAI, New Delhi in April, 2018. IAHE is able to train, per year, only 10 to 15 engineers from the State in view of its limited capacity. The State proposes to train more engineers at CSIR or other agencies.	compliance of the direction. The State has partially complied with the direction. Annual calendars for imparting training to highway engineers in road safety have not been prepared.
10	Engineering Design of New Roads: The MoRTH is of the view, and the learned <i>Amicus</i> is also in agreement, that the Road Safety Audit as mentioned above should include the design stage audit of new road projects of 5 kms or more, rather than being based on the cost of the project. It is ordered accordingly.	The Committee had earlier directed that the State should carry out third party road safety audit of projects costing above Rupees ten crores. In view of the Hon'ble Supreme Court's Order dated 30.11.2017, the Committee has issued revised directions on	The State has reported that State PWD has issued guidelines on 17.01.2018 to include design stage audit in respect of projects of more than 5 Kms length.	The State has complied with the direction.

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		08.12.2018 that design stage audit should be carried out in respect of new roads of 5 kilometres or more.		
11	Working Group on Engineering: The Working Group on Engineering (Roads) has already submitted a Report which is available with the Road Safety Committee as well as the MoRTH. This Working Group was constituted pursuant to the decision taken in the meeting of the 12 th National Road Safety Council held on 25 th March, 2011. The recommendations of the Working Group should be implemented in the terms prayed for by the learned <i>Amicus</i> as well as those accepted by the MoRTH. These will, of course, be in the nature of interim directions since the National Road Safety Board is likely to be created as proposed in the Motor Vehicles (Amendment) Bill, 2017.	-----	-----	It is a MoRTH issue. A separate report on compliance by MoRTH has been submitted.
12.	Drivers' Training: This is the subject matter of the Motor Vehicles (Amendment) Bill, 2017 and no orders are required to be passed in this regard.	-----	-----	No direction has been passed by the Hon'ble Supreme Court.

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13	Lane Driving: The MoRTH has already issued Motor Vehicles (Driving) Regulations, 2017 vide G.S.R. 634 (E) dated 23 rd June, 2017. The Notification should be implemented by the State Governments and Union Territories strictly.	-----	The State, on 02.01.2018, directed all RTOs/ARTOs/MVIs to comply with Motor Vehicles (Driving) Regulations, 2017 and uploaded the Regulations on the Department's website for the information of general public.	The State has complied with the direction.
14	Road Safety Equipment: (i) The Bureau of Police Research and Training has already prepared a Report on the subject and has submitted it to the Road Safety Committee in September, 2015. The recommendations in the Report should be implemented including acquisition of cameras and surveillance equipment in detecting traffic and identifying violators. (ii) It is also necessary to set up special patrol forces along the National Highways and State Highways for which necessary steps must be taken by the State Governments and Union Territories.	On the directions of the Committee, BPR&D has prepared norms for the number of equipment and police personnel required to detect traffic violations. The Committee has also asked the State to indicate the time frame within which the State will be able to comply with the norms recommended by BPR&D. The Committee had directed the State to 'strengthen patrolling' of roads, especially the National Highways and State Highways.	The State reported that the number of equipments and police personnel in the State is much below the Bureau of Police Research and Development (BPRD) norms. The State has also reported that the BPRD norms are too liberal and beyond current means of the State to achieve them and that the matter is under consideration of the State Government.	The Committee is persuading the State to reach the BPRD norms in a phased manner in respect of both the equipments and the police personnel. The Committee will pursue the setting up of special patrol forces along the National Highways and State Highways with the

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				State Government.
15	Alcohol and Road Safety: The MoRTH has already written to the States to comply with orders of this Court in this regard. The MoRTH may issue further advisories in this regard on a quarterly basis during the calendar year 2018 so as to serve as a reminder to the State Governments and Union Territories to implement the directions of this Court.	-----	-----	It is a MoRTH issue. A separate report on compliance by MoRTH has been submitted.
16	Road Safety Education: The learned <i>Amicus</i> as well as MoRTH are in agreement that road safety education and counselling should be incorporated in the curriculum by the State Boards by 1 st April, 2018. It is directed that the State Governments may seriously consider this recommendation and include Road Safety Education and Counselling as a part of the school curriculum at the earliest.	-----	The State has reported that the State has decided to introduce only NCERT books for classes 1 to 12 and therefore addition of road safety in the syllabus will be done by NCERT.	The State has not complied with the direction. The State has not taken up the matter with NCERT for ensuring compliance with the Committee's directions.
17	Speed Governors: Guidelines in this regard have already been issued by the MoRTH. The MoRTH has agreed to upload the Unique Identification Number of the speed governors in the VAHAN database. This should be followed up by the MoRTH with expedition.	-----	-----	It is a MoRTH issue. A separate report on compliance by MoRTH has been submitted.
18	Emergency Medical Care: There is agreement that		The State has reported that the State has ten established	This is a long term measure.

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	at least one Trauma Care Centre should be set up in every district with necessary facilities and an ambulance. The State Governments and Union Territories should take up this recommendation at the earliest since it is on record that treatment soon after a road accident is crucial for saving the life of the victim. In this context, it may also be mentioned that this Court has issued certain directions in Pt. Parmanand Katara v. Union of India which should be followed.	-----	Trauma Care Centres and that they suffer from shortage of equipments, medical and para medic staff. Nine additional Trauma Care Centres are proposed to be set up.	1. The State has not indicated the total number of districts, number of functional trauma care centers in each districts, the gap required to be filled and the time period by which the State will be able to fill the gap.. 2. The Committee will pursue with the State the issue of shortage of equipments, medical and para medic staff in existing trauma care centres and the goal to achieve the setting up one trauma centre in each district in a phased manner. 3. The State has not reported status of action taken by it on Pt. Parmanand Katara v. Union of India.
19	Universal Accident Helpline Number: The		The State has reported that	The State has

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	MoRTH has stated that there is already a call centre number, that is, 108 provided by the National Health Mission. Due publicity must be given to this so that an ambulance can be activated at the earliest whenever necessary.	-----	presently helpline numbers 100 and 108 are working. The State has 275 ambulances (135 under State Health Department and 139 running under 108 including one boat ambulance).	partially complied with the direction. Status: 1. 135 ambulances running under State Health Department are not connected to 108. Accident Helpline Number (108) is not universally available in the State. 2. The State has not reported action taken by it on publicity given to helpline number 108.
20	Permanent Road Safety Cell: All State Governments and Union Territories have already been requested by the MoRTH to set up Road Safety Cells. The State Governments and Union Territories should establish Permanent Road Safety Cells by 31 st January, 2018.	-----	The State has reported that permanent road safety cell has been constituted in State PWD on 12.07.2017.	The State has complied with the direction.
21	Data Collection: The MoRTH has already taken steps for recording accident data and reports through computerised data entry. The State and Union Territories have been asked to take further	-----	-----	No direction has been passed by the Hon'ble Supreme Court.

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	action in this regard and make the data public for the information of all stakeholders. This needs to be followed up and no further orders are necessary in this regard.			
22	GPS :The MoRTH has already notified vide G.S.R. No. 1095 (E) dated 28 th November, 2016 mandating the fitment of vehicle location tracking devices in all public service vehicles subject to some exceptions. Since this has cost implications, the MoRTH may assist the State Governments and Union Territories to ensure that to the maximum extent possible and within the shortest time frame, location tracking devices must be fitted in all public service vehicles as notified.	-----	-----	It is a MoRTH issue. A separate report on compliance by MoRTH has been submitted.
23	Bus/Truck–Body Building Code : This has already been notified by the MoRTH with regard to buses vide G.S.R. No. 287 (E) dated 27 th April, 2014 and with regard to trucks vide G.S.R. No. 1034(E) dated 2 nd November, 2016. No further orders are necessary in this regard.	-----	-----	No direction has been passed by the Hon'ble Supreme Court.
24	ABS, Air Bags and Headlights : The MoRTH has already notified for fitment of ABS in motor cycles vide G.S.R. No. 310(E) dated 16 th March, 2016 and for four wheelers vide G.S.R. No. 120(E) dated 10 th February, 2017. As far as air bags are concerned a	-----	-----	No direction has been passed by the Hon'ble Supreme Court.

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	standard AIS-145 has already been notified. As regards automated headlights, the MoRTH has notified vide G.S.R. No. 188(E) dated 22 nd February, 2016 for fitment of "Automated Headlights On" in two wheelers manufactured on or after 1 st April, 2017. No further orders are required in this regard except the faithful implementation of the various notifications issued by the MoRTH.			
25	Crash Test: This too has been notified by the MoRTH and the test for all light motor vehicles is required to be conducted by the testing agency notified under Rule 126 of the Central Motor Vehicles Rules, 1989. No further orders are required in this regard except the faithful implementation of the notifications and crash standards issued by the MoRTH.	-----	-----	No direction has been passed by the Hon'ble Supreme Court.