



सत्यमेव जयते

SUPREME COURT COMMITTEE ON ROAD SAFETY

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Most Immediate
Time Bound

03/2018/CoRS (Vol-2)

Dated: 24th September, 2018

To

Principal Secretary/Secretary/Transport Commissioner,
Transport Department
All States/UTs

Sub: Writ Petition (Civil) No. 295 of 2012 - Order of the Hon'ble Supreme Court dated 30th November, 2017 on Road Safety –Request for updated Compliance Report – regarding

Sir/Madam,

Kindly refer this Committees letters dated 17th July 2018 and 21st August, 2018 on the above mentioned subject.

2. The above matter came for hearing in the Hon'ble Supreme Court on 18th September, 2018. The Hon'ble Court observed that the States still have not complied with the directions given by the Supreme Court in its Order dated **30th November, 2017**. However, the Hon'ble Supreme Court by way of one more opportunity, has given one month more to ensure all the compliances by the State/UTs.

3. A Statement indicating whether the directions of the Hon'ble Supreme Court have been fully complied with or not by your State as submitted to the Court is attached (**Annexure**).

4. The Committee now directs that the States/UTs should fully comply with the directions which have not yet been complied by you so far. This may be indicated in column 4 of the Statement annexed. A report on the compliance by you should be forwarded to the Committee latest by **20th October, 2018** to enable the Committee to compile and submit the status report to the Hon'ble Supreme Court by **25th October, 2018**.

Yours faithfully,

(SD Banga)

Secretary to the Committee



Copy to:

**Chief Secretary,
All States/UTs**

Compliance by MoRTH and States/UTs

<u>S. No.</u>	<u>Directions of SC dated 30th November, 2017</u>	<u>Compliance by the MoRTH/States/UTs</u>	<u>Updated Compliance by of State/UT</u> <u>(to be indicated by State/UT)</u>
(1)	(2)	(3)	(4)
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.	All States/UTs except Manipur and Andaman & Nicobar have framed their Road Safety Policy.	
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.	All States/UTs have constituted Road Safety Council. The Committee has directed them to hold meetings of the Council at least twice in a year and forward minutes of the meetings to the Committee.	
3.	Lead Agency: Only a few States have established the Lead Agency as recommended by the Committee on Road Safety in its communication of	All the States/UTs have set up the Lead Agency, except 10 States/UTs viz. Odisha, Maharashtra, Karnataka, J & K, Gujarat,	

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	<p>23rd December, 2014. The States and Union Territories that have not done so should establish the Lead Agency on or before 31st 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 licenses, 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 23rd December, 2014.</p>	<p>HP, Meghalaya, Chandigarh, Puducherry and Delhi who are in the process of setting up the same. However, many States/UTs have compromised on the structure of the Lead Agency in the setting up of a separate Unit as Lead Agency; and in the appointment of a senior officer as the Head of Lead Agency and of the dedicated staff. The Committee is pursuing with these States/UTs to set up the Lead Agency in the manner directed by the Committee.</p>	
4.	<p>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 31st 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.</p>	<p>3 States/ UTs viz. Mizoram, Andaman & Nicobar and Dadra & Nagar Haveli have not set up Road Safety Fund; while 8 States/UTs viz. Arunachal Pradesh, Gujarat, Karnataka, Mizoram, Nagaland, Telangana, Chandigarh, and Delhi are in the process of setting up the Fund. The remaining States/UTs have set up Road Safety Fund. However, some of the States/UTs have not set up the Fund in accordance with the structure prescribed by the Committee. The Committee is pursuing with these States/UTs to set up the Road Safety Fund in the manner directed by the Committee.</p>	
5	<p>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</p>	<p>4 States viz. Arunachal Pradesh, Chhattisgarh, Haryana and Telangana have not yet drawn up their Road Safety Plan; while 4 States viz. J & K, Manipur, Uttarakhand and Odisha are in the process.</p>	

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	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.	All other States/UTs have drawn up the Road Safety Action Plan.	
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 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.	All the States/UTs have set up District Road Safety Committees. However, in some States meetings of DSRC are not being held regularly. The Committee is pursuing with the States to ensure that they hold the meetings of DRSC on a regular basis and also monitor their performance in order to achieve target on the reduction of road accidents and fatalities.	
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	The MoRTH has drawn up a Protocol in October, 2015. for identification of black spots on National Highways, their removal and further monitoring to see the effectiveness of the action taken.	

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	for improving the design of roads to make them safe.		
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.	5 States/UTs viz. Manipur, Mizoram, Nagaland, Diu & Daman, and Dadra & Nagar Haveli Daman have not commenced the implementation of the direction so far, while other States have reported that the action has been initiated.	
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.	6 States/UTs viz. Arunachal Pradesh, Kerala, Mizoram, Telangana, West Bengal and Delhi have not yet prepared annual calendar for imparting training in Road Safety to their Highway Engineers; while in Dadra & Nagar Haveli, formulation of annual calendar is under process. The remaining States/UTs have prepared annual calendar for imparting training in Road Safety.	
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 km or more, rather than being based on the cost of the project. It is ordered accordingly.	3 States viz. Chhattisgarh, Mizoram and Nagaland have not complied with the direction so far, while in Andhra Pradesh, Mizoram and Dadra & Nagar Haveli, it is under process. The remaining States/UTs have complied with the direction.	
11	Working Group on Engineering: The Working Group on Engineering (Roads) has already submitted	MoRTH has reported that State Governments are taking necessary steps to	

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	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.	implement the recommendations of the Working Group on Engineering.	
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.	
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.	7 States/UTs viz. Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Telangana, Tripura, and Diu & Daman have not commenced the implementation of the direction so far, while other States have reported that the action has been initiated.	
14	Road Safety Equipment: (i) The Bureau of Police Research and Development 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.	(i) It is an on-going process. The Committee is persuading the State to reach the BPR&D norms in a phased manner in respect of both the equipment and the police personnel. (ii) The Committee will pursue the setting up of special patrol forces along the National Highways and	

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	(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.	State Highways with the 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.	MoRTH is pursuing the matter with States and also issued a reminder of advisory on 2 nd July, 2018, to the States/UTs, NHAI, DGBR and NHIDCL	
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.	4 States/UTs viz. Maharashtra, Arunachal Pradesh, Daman & Diu, and Dadra & Nagar Haveli have not yet included road safety education in their school curricula. The remaining States/UTs have either included road safety education in their school curricula or in the process of doing so.	
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.	MoRTH has reported that they are following the matter with States and has issued guidelines on 2-2-2018.	
18	Emergency Medical Care: There is agreement that at least one Trauma Care Centre should be set up in every district with necessary facilities and an	(i) This is a long term measure. Most of the States/UTs are in the process of setting up Trauma Care Centres. The Committee will pursue with the	

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	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.	(ii) States/UTs to achieve the goal of setting up one trauma centre in each district in a phased manner. Most of the States/UTs have not reported status of action taken by it on Pt. Parmanand Katara v. Union of India. The Committee will pursue this issue with them.	
19	Universal Accident Helpline Number: The 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.	3 States/UTs viz. Mizoram, UP and Diu & Daman have not set up a uniform call centre number so far, while in 4 States viz. Arunachal Pradesh, J & K, Manipur and Sikkim, it is under process. The remaining States/UTs have complied with the direction.	
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.	11 States/UTs viz. Arunachal Pradesh, HP, Karnataka, Maharashtra, Meghalaya, Mizoram, Telangana, UP, West Bengal, Delhi and Andaman & Nicobar have not yet set up Permanent Road Safety (Engg.) Cell. The remaining States/UTs have complied with the direction.	
21	Data Collection: The MoRTH has already taken steps for recording accident data and reports through computerized data entry. The State and Union Territories have been asked to take further 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	No direction has been passed by the Hon'ble Supreme Court.	

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	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.	MoRTH has reported that the Ministry is implementing a scheme under which State Road Transport Undertakings are provided financial assistance for fitment of IT equipment including GPS. The Ministry is also working on a technology to provide solution to monitor the functionality of vehicle tracking system.	
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 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.	No direction has been passed by the Hon'ble Supreme Court.	

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25	<p>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.</p>	<p>MoRTH has reported that the direction of the Hon'ble Supreme Court. has been noted for compliance.</p>	