CHAPTER 2
ROAD SAFETY LAWS IN INDIA

2.1 LAWS

Driving in India is governed by various legal powers and in some cases is subject to the passing of a driving test. The Ministry of Road Transport and Highways, a branch of the Government of India, is the apex body for formulation and administration of the rules, regulations and laws relating to road transport, national highways and transport research, in order to increase the mobility and efficiency of the road transport system in India. Unlike most countries in the world, Indian traffic drives on the left. The First Motor Vehicle Act, supplemented in post war years by provincial act in order to introduce some measures for regulation and control. In 1914, the first Indian Motor Vehicles Act was passed and was made applicable to what was then British India, this Act had 18 Sections. It conferred powers to local Governments to regulate the use of motor vehicles by way of registrations, licensing and punishments. Phenomenal growth of road transport began in the early 1920’s as result of the diversion of surplus army vehicles to civilian market after World War I. The rapid growth of motor vehicles posed a threat to the British owned railway companies. Thus, the government felt the need to regulate passenger and goods motor transport vehicles to prevent them from competing with railways. With this prime objective, the second All India Motor Vehicles Act, 1939, was passed and came into force in 1940.¹

Road Transport is not a stranger to regulation. One of the earliest attempts at regulation is perhaps the Motor Vehicles Act of 1939 where services are provided by an assortment of small operators with no loftier purpose than to make a fast buck and it becomes the primary responsibility of the government to ensure discipline, safety and accessibility. While goods transport continued to be unorganised and privately run, passenger road transport came under the purview

of large public monopolies organised under the large public monopolies organised under the provisions of Road Transport Corporations Act 1950.²

These large public undertakings, ironically, were the reason for the stunted growth of regulatory mechanism since, as an extension of the government, they took on the role of self regulation. The transport departments, whose role it was to regulate, reduced themselves to mere collectors of taxes with little or no interest in evolving the transport policies and ensuring, road safety much less addressing themselves to the growing menace of automobile pollution. If liberalisation means increased privatization, government will have to come in a much stronger way not only to control operational discipline but to enable higher standards of quality, comfort and safety.³

## Regulating for Reform

Although India achieved its Independence in 1947. It is one of those very fortunate countries in the world to have been governed for centuries. Inspire of a fractured process of history through wars, conquests and foreign domination. There had always been consequence of being governed is a slew of statues, acts and rules which are essential to assure the citizens of the existence of rule of law.

But a good and tight statutory framework essential as it is for governance, could be a handicap if major changes are contemplated in the very process of governance, and in the articulation of legitimate aspirations within a democratic society. While India embarked on a major process of liberalisation, the statutory framework, which had served its purpose in the pre-liberalisation context, has become straitjacketed and unresponsive to new initiatives in what is becoming an increasingly global society. Having initiated the process of liberalisation and by and large gained the silent if not active support from the people at large, the success of reforms will depend upon the speed with which the statutory framework is changed, modified and amended to suit a more demanding society.

Interestingly, road transport regulatory reform preceded the process of economic liberalisation in the 1990s. The Motor Vehicles Act of 1939 served India well, with major amendments in 1956 and 1969. The entire legislation however was recast in 1988 giving an opportunity to the private sector to challenge public sector monopoly and enabled transport authorities to legitimately and more openly encourage the private sector. The new Motor Vehicles Act of 1988, sandwiched as it was between control and liberalisation, could satisfy neither the votaries of state control nor the new converts to privatisation. It lacks the strength and resilience of the 1939 legislation: neither could it anticipate the paradigm shifts that are to unfold. The invasion of sophisticated technologies, increasing threats to safety on roads, dramatic decline in environmental sustainability - not to speak of the whole package of subsidies, social costs, economic unavailability - were inadequately dealt. In sum it was a poor and wasted effort.

The inadequacies of 1988 legislation were compounded by a lack of appreciation of the stellar role played by State Transport Undertakings in promoting transport through the post-Independence decades. It took away the power of STUs to publish and modify schemes and equated them to fly-by-day causal one-bus operators. It encouraged proliferation of contract and tourist carriages fully realising that the administrative machinery is neither able nor willing to enforce permit conditions. It has encouraged unsafe, fuel inefficient and polluting modes of transport to compete with safer and more sustainable public transport. With no means of encouraging quality it ran down whatever quality STUs were striving to offer. If the entire passenger road transport sector is today languishing, some responsibility should be borne by this half-baked legislation of 1988.  

2.1.1 The Constitution of India

Part XI of The Constitution of India declares relations between union and the states. Chapter I of the part XI legislative relations article 246 "subject matter of laws made by parliament and by the legislative of states. 

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5 M.P. Jain : The Constitution of India.
Article 245 Extent of laws made by Parliament and by the Legislatures of States

(1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.

(2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.

Article 246 Subject-matter of laws made by Parliament and by the Legislatures of States.

(1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the “Union List”).

(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the “Concurrent List”).

(3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the “State List”).

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List.

Article 247 Power of Parliament to provide for the establishment of certain additional courts

Not withstanding anything in this Chapter, Parliament may by law provide for the establishment of any additional courts for the better administration of laws made by Parliament or of any existing laws with respect to a matter enumerated in the Union List.
Article 248 Residuary powers of legislation.

(1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists.

Article 249 Power of Parliament to legislate with respect to a matter in the State List in the national interest.

(1) Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force.

(2) A resolution passed under clause (1) shall remain in force for such period not exceeding one year as may be specified therein:

Provided that, if and so often as a resolution approving the continuance in force of any such resolution is passed in the manner provided in clause (1), such resolution shall continue in force for a further period of one year from the date on which under this clause it would otherwise have ceased to be in force.

(3) A law made by Parliament which Parliament would not but for the passing of a resolution under clause

(1) have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the resolution has ceased to be in force, except as respects things done or omitted to be done before the expiration of the said period.
Article 250 Power of Parliament to legislate with respect to any matter in the State List if a Proclamation of Emergency is in operation.

(1) Notwithstanding anything in this Chapter, Parliament shall, while a Proclamation of Emergency is in operation, have power to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List.

(2) A law made by Parliament which Parliament would not but for the issue of a Proclamation of Emergency have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except as respects things done or omitted to be done before the expiration of the said period.

Article 251 Inconsistency between laws made by Parliament under articles 249 and 250 and laws made by the Legislatures of States.

Nothing in articles 249 and 250 shall restrict the power of the Legislature of a State to make any law which under this Constitution it has power to make, but if any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament has under either of the said articles power to make, the law made by Parliament, whether passed before or after the law made by the Legislature of the State, shall prevail, and the law made by the Legislature of the State shall to the extent of the repugnancy, but so long only as the law made by Parliament continues to have effect, be inoperative.

Article 252 Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State.

(1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament
to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State.

(2) Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State.

**Article 253 Legislation for giving effect to international agreements.**

Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

**Article 254 Inconsistency between laws made by Parliament and laws made by the Legislatures of States.**

(1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of a State Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State:
Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.

Article 255 Requirements as to recommendations and previous sanctions to be regarded as matters of procedure only.

No Act of Parliament or of the Legislature of a State, and no provision in any such Act, shall be invalid by reason only that some recommendation or previous sanction required by this Constitution was not given, if assent to that Act was given-

(a) where the recommendation required was that of the Governor, either by the Governor or by the President;

(b) where the recommendation required was that of the Rajpramukh, either by the Rajpramukh or by the President;

(c) where the recommendation or previous sanction required was that of the President, by the President.

The List III of II scheduled of Indian Constitution of India. Subject No. "35 Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied." Is the subject matter of concurred list. Which is for the union government as well state government but the contradiction and the duty for tax is in hand of state.

States are entitled to established laws related to taxation of motor vehicles, because according to state legislative under entry 57 of List II of the Seventh Schedule to the Constitution of India the states are powered to collect taxes. This is the main reason for lake of union legislation relating to unified registration and licensing system. This is basic need to reestablished motor vehicle laws with accordance of not only motorized vehicles but includes non motorized vehicles.

Now the contradiction is when Union of India is amending the motor vehicle of standards but the State Government are collecting taxes. Thus, no uniform law can be passed.
2.1.2 The Indian Penal Code, 1860

There are no specific laws regarding road safety under the penal code but selected sections of Indian Penal Code describe the penal provisions regarding motor vehicle accidents by 'mens-rea'. The word mens-rea arise from latin term "Actus reus non facit reum nisi mens sit rea." Meaning of mens-rea is "an act does not make a defendant guilty without a guilty mind." The crime related to road having words limited with mens-rea like Rash driving, negligence etc. The Indian penal code and judicial observations declares justice regarding road users for their safety purpose.6

The Indian Penal Code (IPC) provides the general penal code of India, impliedly assuming the possibility of existence of special statutes defining offences and prescribing punishments therefore, for example, the Motor Vehicles Act, 1988 in the present context.

Sections 279, 304A, 336, 337, 338, IPC are relevant and reproduced below:

Section 279. Rash driving or riding on a public way. “Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.”

Section 304A. Causing death by negligence. “Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

Section 336. Act endangering life or personal safety of others. “Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.”

6 T. Bhattacharya : The Indian Penal Code
Section 337. *Causing hurt by act endangering life or personal safety of others.* “Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.”

Section 338. *Causing grievous hurt by act endangering life or personal safety of others.* “Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.”

Rash or negligent act is an ingredient in all the above sections. A rash act is primarily an overhasty act, opposed to a deliberate act, but it also includes an act which, though it may be said to be deliberate, is yet done without due deliberation and caution. In rashness, the criminality lies in running the risk of doing an act with recklessness or indifference to consequences. Negligence means breach of duty caused by omission to do something which a reasonable man guided by those considerations which ordinarily regulate conduct of human affairs would do or doing something which a prudent or reasonable man would not do. Culpable negligence is acting without consciousness that illegal or mischievous effects will follow, but in circumstances which show that the actor has not exercised the caution incumbent on him, and that if he had, he would have had the consciousness. Generally, in the case of rashness, the guilty person does an act and breaks a positive duty; in the case of negligence, he does not do an act which he was bound to do, because he adverts not to it. ‘Rashness’ conveys the idea of recklessness or the doing of an act without due consideration; ‘negligence’ connotes want of proper care or the standard of conduct which a reasonably prudent person would exercise in a similar situation.

To be guilty of an offence under section 279, IPC the accused must drive a vehicle in such a rash or negligent manner as to endanger human life or to be likely to cause hurt or injury to any other person. Driving at a high speed or non-
sounding of horn by itself does not mean that the driver is rash or negligent. Place, time, traffic and crowd are important factors to determine rashness or negligence.

Section 304A, which was inserted in the IPC by Act 25 of 1870, postulates a rash and negligent act entailing death of another. The provisions of this section apply to cases where there is no intention to cause death, and no knowledge that the act done in all probability would cause death; it should not amount to culpable homicide. Section 304A is directed at offences outside the range of sections 299 and 300, IPC.7

Section 279 covers only those cases which relate to driving on public way endangering human life, while offence under section 304A extends to any rash or negligent act falling short of culpable homicide.

Rash and negligent acts which endanger human life, or the personal safety of others, are punishable under section 336 even though no harm follows, and are additionally punishable under sections 337 and 338 if they cause hurt, or grievous hurt. Element of volition or intention is foreign to the set of offences under sections 336 to 338, IPC. Offences defined by these sections as well as section 279 are minor offences in comparison with the offence under section 304A where death is caused by a rash or negligent act.

Recently, the Supreme Court has observed that if a person willfully drives a motor vehicle into the midst of a crowd and thereby causes death to some person, it will not be a case of mere rash and negligent driving and the act would amount to culpable homicide.8

Dealing with sentencing of a convict for offences under sections 279 and 304A, IPC, the Supreme Court in Dalbir Singh v. State of Haryana9 held:

“When automobiles have become death traps any leniency shown to drivers who are found guilty of rash driving would be at the risk of further escalation of road accidents. All those who are manning the steering of

7 Naresh Giri v. State of M.P. 2007(13) SCALE 7
8 The Times of India, New Delhi, 14.11.2007
9 (2000) 5 SCC 82
automobiles, particularly professional drivers, must be kept under constant reminders of their duty to adopt utmost care and also of the consequences befalling them in cases of dereliction.

One of the most effective ways of keeping such drivers under mental vigil is to maintain a deterrent element in the sentencing sphere. Any latitude shown to them in that sphere would tempt them to make driving frivolous and a frolic.

Bearing in mind the galloping trend in road accidents in India and the devastating consequences visiting the victims and their families, criminal courts cannot treat the nature of the offence under Section 304-A IPC as attracting the benevolent provisions of Section 4 of the Probation of Offenders Act. While considering the quantum of sentence to be imposed for the offence of causing death by rash or negligent driving of automobiles, one of the prime considerations should be deterrence. A professional driver pedals the accelerator of the automobile almost throughout his working hours. He must constantly inform himself that he cannot afford to have a single moment of laxity or inattentiveness when his leg is on the pedal of a vehicle in locomotion. He cannot and should not take a chance thinking that a rash driving need not necessarily cause any accident; or even if any accident occurs it need not necessarily result in the death of any human being; or even if such death ensues he might not be convicted of the offence; and lastly, that even if he is convicted he would be dealt with leniently by the court. He must always keep in his mind the fear psyche that if he is convicted of the offence for causing death of a human being due to his callous driving of the vehicle he cannot escape from a jail sentence. This is the role which the courts can play, particularly at the level of trial courts, for lessening the high rate of motor accidents due to callous driving of automobiles.”

In Rattan Singh v. State of Punjab10, the Supreme Court had held: “5. Nevertheless, sentencing must have a policy of correction. This driver, if he has to become a good driver, must have a better training in traffic laws and moral responsibility, with special reference to the potential injury to human life and limb.

10 (2000) 5 SCC 82
Punishment in this area must, therefore, be accompanied by these components. The State, we hope, will attach a course for better driving together with a livelier sense of responsibility, when the punishment is for driving offences.”

Very recently, the Supreme Court upheld the sentence of imprisonment awarded to the driver of a bus convicted for offences under sections 279 and 304A, IPC, following the above dicta.\textsuperscript{11}

2.1.3 Central Motor Vehicle Act 1988

Laws regulating the traffic on the road are provided under the Motor Vehicles Act, 1988 is an Act of passed by the Parliament of India which came into force from July 1, 1989 and is applicable to whole of India however lapses in traffic laws regulations, violations and accidents are glaring reality. India was having such enactment in place since the year 1914 but the menace of driving is still on and victims look upon the suitability of laws to curb such menace. Various important judgments are there reflecting upon concerns on road safety issue some of the important ones are discussed herein. Road accidents, traffic jams, road rage, under-age driving, driving under the influence of alcohol are some of the prime issues which essentially makes it important to reflect upon the current situations. Driving sensibly is a responsibility-legal, social and moral, however rarely seen. Omission of this duty can bring the irresponsible driver, owner of the vehicle, insurer and others not only in a legal battle but huge pain and sufferings for victim and his family members suffering for life. The article focuses on legal situations and how the precedents have evolved in this matter.

The compliances of these regulations formulated are enforced by the enforcement agencies including Traffic police. If in any case somebody violates the rules and regulations related to traffic laws then they are bound to issue Challans against the offender under penal actions as per Motor Vehicle Act, 1988. It is important to understand what law says about the compliances required for driving a vehicle and what are the duties of owner of vehicle.

\textsuperscript{11} B. Nagabhushanam v. State of Karnataka 2008 (7) SCALE 716
Law relating to Driving License

Effective Driving License, Age Limit for obtaining the driving license, Learner’s License, Learner’s license to drive a transport vehicle, Learner’s License to drive a LMV, Test of competence to drive a vehicle, Power to Revoke License, Conditions under which Licensing Authority can revoke a License.

Law relating to Pedestrian

Indian law under the Motor Vehicle Act, 1988 and other related act provide for preventing the vehicles to run on footpaths. There are several Acts that safeguard pedestrian rights indirectly. The Indian Penal Code (1860) sections 279, 304 (Punishment for Culpable Homicide not Amounting to Murder), and 336/337/338 protects the public, which includes pedestrians, against rash driving and negligence by motorists. The Motor Vehicles Act (1988), sections 7-38 talks about penalizing the motorists exceeding speed limits and license regulation etc, indirectly protecting vulnerable road users. Section 138 clause (h & i) empowers the State government to prevent motor vehicles from using the pavements for driving or parking. The Rules of the Road Regulation (1989) has three rules mentioning pedestrians or their right of way, which are:

The duty of the driver to slow down when approaching a pedestrian crossing (Rule 8)

• That no driver can park a motor vehicle near a traffic light or on a pedestrian crossing or a footpath (Rule 15)

• Motor vehicles are not allowed to drive on the footpaths or cycle lane except with permission from the police officer on duty (Rule 11)

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12 Rash driving or riding on a public way-Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

13 Whoever does any act so rashly or negligently as to endanger human life or the personal safety others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees, or with both.
The Municipal Corporation Acts also protect public roads and streets by terming all obstructions illegal unless they are made with the prior permission of the collector. They are entitled to ascertain the footpath width based on width of the public roads. Under the Persons with Disabilities (equal opportunities, protection of rights and full participation) Act (1995), the government must provide for auditory signals, engraving on the zebra crossings, slopes in pavements for easy access of wheel chair, and warning signals at appropriate places.

**Traffic and Road Safety Issues**

- **Footpaths not safe for pedestrians:** The roads are the most important public spaces in cities and pedestrians are its largest users, but less than 30% of urban roads in India have footpaths. Grave concern can be observed regarding safety of pedestrian to see the footpaths being used by two wheelers, zebra crossing usage culture is missing and crossing any road is uphill task. Despite the laws in place, urban areas can clearly seen encroachment of footpaths by bikes with no action taken. The International Federation of Pedestrians has been explicitly advocating the right to walk in public spaces as a basic human right but yet the picture of same to be implemented in full is yet to be achieved. There is a need to build more roads, make them safer for use of pedestrians throughout India. Since the law is in place, effective enforcement is required.

- **Road Rage:** Road rage is an expression of human behavior with criminal consequences. There is no clear law defining road rage in India. Literally, Road Rage is a term used to refer to the violent incidents caused by stress while driving on high traffic zones on roadways casing death, attempt to cause death or injury. Most of the incidents of road rage occur during peak traffic hours. Prime reasons associated with the incidents of road rage are: Traffic congestion, Noise levels, time constraints, alcohol consumption. Road rage is considered as a criminal offence, which may lead to serious injuries and even death. While there are no clear laws specifying road rage in India, it high time for the government to define and enforce strictly so
that people do not take law into their own hands as the same has become a real menace and cause of concern about safety of an individual on road.

- **Drunken Driving**: Impairment by alcohol is an important factor in causing accidents and it has been found as per study reflected on different websites that alcohol was present in between 33% and 69% of fatally injured drivers, and in between 8% and 29% of drivers involved in crashes who were not fatally injured. A study on drivers killed in road crashes has revealed that teenage drivers have more than 5 times the risk of a crash compared with drivers aged 30 and above, at all level of BAC. Drivers 22 to 29 years old were estimated to have 3 times the risk compared with drivers aged 30 years and above, at all BAC levels. Alcohol consumption by drivers puts pedestrians and riders of motorized two wheelers at risk. In *Sanjeev Nanda Case* discussed below the Hon’ble Court highlights the same well.

- **Sanjiv Nanda’s Case**: In the case *State Transport Police Station Lodhi Road vs. Sanjeev Nanda*\(^\text{14}\) an important judgment from perspective of road safety. The Respondent in this case was charged under Section 201, 304 (I), 308 r/w section 34 IPC for driving his car rashly and negligently and hitting 7 persons. As per judgment, it was highlighted accident means unintended unforeseen occurrences, something that could not be anticipated in course of events. Thus, injury or accidents is not attributable to per se to the intention. If intention is proved and death is caused then it amounts to culpable homicide. It was held by the Hon’ble judge that intention to cause death was not there but the knowledge was there and hence he is liable under section 304 II IPC. The Hon’ble Court found that accident occurred wholly and solely on account of rash and negligent act of the BMW driven by the Respondent.

The Motor Vehicles Act, 1988 is an Act of the Parliament of India which regulates all aspects of road transport vehicles. The Act came into force from 1 July 1989. It replaced Motor Vehicles Act, 1939 which earlier replaced the first

\(^{14}\) SLP Crl. 3292 of 2010
such enactment Motor Vehicles Act, 1914. The Act provides in detail the legislative provisions regarding licensing of drivers/conductors, registration of motor vehicles, control of motor vehicles through permits, special provisions relating to state transport undertakings, traffic regulation, insurance, liability, offences and penalties, etc. For exercising the legislative provisions of the Act, the Government of India made the Central Motor Vehicles Rules 1989 and The Rules of the Road Regulation 1989.

In this monsoon session of Parliament, all eyes will be on a important bill pending in the Rajya Sabha — The Motor Vehicle Act (Amendment) Bill 2017. The government is preparing for a stormy monsoon session where protesting opposition parties might delay important legislative business.

Ninety-six per cent believe that passage of the Bill would help meet the UN mandate to reduce road accidents up to 50 per cent by 2020, according to a survey conducted by Consumer Voice, an organisation involved in policy making and complaints redressal.

Ninety-seven per cent people feel the Bill should be supported by all the parties since it was important to bring down fatalities due to road accidents, currently the highest in the world at 1.46 lakh annually.

- It makes Aadhaar mandatory for getting a driving licence and vehicle registration.
- For deaths in hit-and-run cases, the government will provide a compensation of Rs 2 lakh or more to the victim's family. Currently, the amount is just Rs 25,000.
- In traffic violations by juveniles, the guardians or owner of the vehicle would be held responsible unless they prove the offence was committed without their knowledge or they tried to prevent it. The registration of th ..
- The bill has provision for protection of Good Samaritans. Those who come forward to help accident victims will be protected from civil or criminal liability. It will be optional for them to disclose their identity to the police or medical personnel.
• The minimum fine for drunk driving has been increased from Rs 2,000 to Rs 10,000.

• The fine for rash driving has been increased from Rs 1,000 to Rs 5,000.

• Driving without a licence will attract a minimum fine of Rs 5,000 as against Rs 500 at present. The fine for over-speeding will go up from Rs 400 to Rs 1,000-2,000. Not wearing seatbelt would attract a fine of Rs 1,000 as against Rs 100 at present.

• Talking on a mobile phone while driving will attract a fine of Rs 5,000, up from Rs 1,000.

• A Motor Vehicle Accident Fund will provide compulsory insurance cover to all road users in India for certain types of accidents.

• Contractors, consultants and civic agencies will be accountable for faulty design, construction or poor maintenance of roads leading to accidents.

• A time limit of six months has been specified for an application of compensation to the Claims Tribunal with regard to road accidents.

• The time limit for renewal of driving licence is increased from one month to one year before and after the expiry date.

• The government can recall vehicles whose components or engine do not meet the required standards. Manufacturers can be fined up to Rs 500 crore in case of sub-standard components or engine.

2.1.4 Motor Vehicle Driving Regulation 2017

G.S.R. 634 (E),- In exercise of the powers conferred by section 118 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the Rules of the Road Regulations, 1989, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following regulations for the driving of motor vehicles, namely:-

15 Notification of Ministry, G.S.R. 634 (E), 23 June, 2017, New Delhi
1. **Short title, extent and commencement.** – (1) These regulations may be called the Motor Vehicles (Driving) Regulations, 2017.

   (2) They shall come into force on the date of its publication in the official Gazette.

2. **Definitions.**– (1) In these regulations, unless the context otherwise requires,-

   (a) “Act” means the Motor Vehicles Act, 1988 (59 of 1988);

   (b) “carriageway” means the part or parts of a road normally used by vehicular traffic, whether separated from one another by a dividing strip or a difference of level or not;

   (c) “construction zone” means a section of the roadway where the construction activity is in progress or declared to be undertaken and which may comprise of work space, traffic space or buffer space;

   (d) “heavy vehicle” means a heavy goods vehicle or heavy passenger motor vehicle as defined in clauses (16) and (17), respectively, of section 2 of the Act;

   (e) “intersection” means any level crossroad, junction or fork, including the open areas formed by such crossroads, junctions or forks;

   (f) “longitudinal marking” means the road marking which is provided along the movement of traffic on carriageway;

   (g) “major district roads” means the important roads within a district of a State notified as such by the State Government;

   (h) “major road” means the highway, road or street designated as such by any highway authority or local authority within its jurisdiction;

   (i) “national highways” means the highways specified in the Schedule to the National Highways Act, 1956 or any other highway declared as national highway under sub-section (2) of section 2 of the said Act;
“parking” means the bringing of a vehicle to a stationary position and causing it to wait for any purpose other than that of immediately taking up or setting down persons, goods or luggage, and includes stopping for more than three minutes;

“rider” or “passenger” means a person travelling on a motor vehicle otherwise than as a driver of that vehicle, whether for hire or reward or otherwise;

“right of way” means the right of a vehicle or any other road user to proceed in a lawful manner in preference to another vehicle or any other road user approaching under such circumstances of direction, speed and proximity as to give rise to danger or collision unless one grants precedence to one over the other;

“road” includes bridges, tunnels, lay-bys, ferry facilities, interchanges, roundabouts, traffic islands, road dividers, all traffic lanes, acceleration lanes, deceleration lanes, median strips, overpasses, underpasses, approaches, entrance and exit ramps, toll plazas, and a road under construction, but does not include any private road;

“road marking” means the lines, patterns, words except road signs which are applied or attached to the carriageway or kerbs or to objects within or adjacent to the carriageway for controlling, warning, guiding and informing the road users;

“road user” includes a person driving or travelling on the road in a vehicle or otherwise and a pedestrian;

“silence zone” means an area or locality notified by the competent authority where the use of sound signal is prohibited;

“state highways” means the arterial roads of a State notified as such by the State Government;

“stopping” means halting a vehicle for a very short duration out of
free will, either to allow passengers to board or alight or for quick loading or unloading of goods;

(s) “traffic” includes vehicles of every description and other carriages and conveyances, pedestrians, processions, ridden or herded animals, and all other forms of road traffic using any road or highway for the purpose of travel;

(t) “traffic island” means a physical provision and road markings marked on a carriageway, at or near an intersection to regulate the vehicular traffic;

(u) “traversed marking” means the road marking which is provided across the carriageway.

(1) Any words or expressions used in these regulations, but not defined, shall have the same meaning as assigned to them in the Act.

3. Duty towards other road users and the general public

No vehicle shall be driven, stopped or parked on a road or in a public place in such a manner as is likely to endanger the safety of, or cause inconvenience to, other road users.

4. Use of roads by vehicles

(1) Every vehicle or combination of vehicles, while moving on a road, shall have a driver.

(2) A motor vehicle shall be driven on the carriageway:

Provided that on dual carriageways, the vehicle shall be driven on the left carriageway unless otherwise directed by the police officer in uniform for the time being on the duty or by appropriate road signs.

(3) Unless road signs or markings indicate otherwise, the driver shall keep the vehicle as far as possible to the left of the carriageway, and shall allow all traffic, which is proceeding in the opposite direction, to pass on his right side.
(4) The driver shall keep the vehicle to the left while being overtaken and when approaching a bend or a hill and when his view ahead is restricted.

(5) A heavy vehicle or speed restricted vehicle shall be driven in the left lane on a carriageway with several lanes in one direction, except when overtaking an obstruction or a slower moving vehicle:

Provided that the driver shall return to the left lane as soon as he is safely move the obstruction or the slower moving vehicle, as the case may be.

(6) A vehicle shall not be driven on a road declared “One Way”, except in the direction specified by the signage.

(7) No driver shall pull, push or drive a vehicle against the flow of traffic, except when specifically directed to do so either through a traffic sign erected by an appropriate authority or by a police officer in uniform for the time being on duty.

(8) The driver shall keep at a safe distance from a reversing vehicle and not move toward it before the reversing vehicle has completed its backward motion.

5. **Duties of drivers and riders.**

(1) Every driver shall at all times drive the vehicle with due care and caution.

(2) The driver shall ensure that at the time of driving a vehicle, he is in full control of his physical and mental abilities and physically and mentally fully fit to drive a vehicle.

(3) The driver shall at all times maintain a good lookout and concentrate on the road and the traffic and avoid any activity which distracts, or is likely to distract, his attention.

(4) The driver and the riders shall take special care and precautions to ensure the safety of the most vulnerable road users such as pedestrians, cyclists, children, the elderly and the differently abled persons.

(5) The driver shall ensure that his vehicle, while moving or when stationary, does not cause any hindrance or undue inconvenience to other road users or to the occupants of any properties.
(6) The driver shall ensure that his view is not obstructed and his hearing is not impaired by passengers, animals, the load, equipment in the vehicle or by the condition of the vehicle.

(7) The driver shall ensure that he and the other occupants of the vehicle wears seat belts, if provided in the vehicle.

(8) The driver shall ensure that a child up to twelve years of age is seated in an appropriate child restraint system, wherever provided.

(9) Wherever provided by or under the law, the rider of a motor cycle, with or without a side car, and the pillion-rider and occupant of the side car shall wear protective head gear (helmet) or such other safety device as specified under any law for the time being in force.

(10) The driver shall ensure that loud music is not played in the vehicle.

(11) The driver shall not watch digital motion pictures or videos while driving, except where required for route navigation:

Provided that the driver shall use a device for route navigation in such a manner as not to distract his attention from driving.

(12) The driver shall strictly comply with the laws for the time being in force relating to prohibition on consumption of alcohol and drugs and smoking, and also ensure compliance thereto by the other crew, riders and passengers, if any.

(13) The driver shall take care of himself and the passengers of the vehicle, when getting into or out of a vehicle so as to ensure his own safety and the safety of the other staff, the passengers and other road users.

(14) The driver shall not, in any public place, drive a vehicle which, to his knowledge, has a defect, or which he could have discovered by exercising ordinary care, and on account of which defect the driving of the vehicle is likely to cause undue danger to the safety of the occupants of the vehicles or other road users.
(15) If a technical defect is discovered in a vehicle while it is being driven, the driver shall take the vehicle off the road in the quickest possible manner:

Provided that powered two wheelers may be pushed to safety in a situation of discovery of a technical defect during driving.

(16) While riding or driving a motor cycle or a three wheeler, the driver or the rider shall not hold on to or push any other vehicle.

(17) The driver of a motor cycle or a three wheeler shall at all times hold the handle bar with both hands except when signaling the manœuvre as specified in regulation 9.

(18) The driver may take his feet off the pedals or foot rests only if the road conditions so require or safely permit.

6. **Lane traffic.**

(1) Where any road is marked by lanes for movement of traffic, the driver shall drive within the lane, and change lanes only after giving a proper signal or road marking or signage.

(2) Where any lane is marked specially for a class of vehicles, a vehicle of that class shall drive in that lane only.

(3) Where a lane has been marked for a specified class of vehicles or for a special purpose, no other vehicle of any other class shall be driven in that lane.

(4) Where a road is divided by a longitudinal yellow or white solid line, the driver, proceeding in the same direction and trying to overtake another vehicle ahead, shall not cross the said yellow or white solid line.

(5) While approaching inter-sections, where turning lanes are marked with a single solid line, the driver shall ensure that the vehicle remains in the lane meant for the direction of manœuvre.

(6) The driver shall not drive on or over a single or double longitudinal solid line, or on a painted traffic island except in case of obstructions on the road.
(7) On a road having a single broken line along with a solid line, the driver of
the vehicle driving on the left of broken line may cross the broken line in
order to overtake, but shall return to his lane after completing the man
oeuvre, observing the safety precautions specified in regulation 12.

7. Right of way.

(1) Where a “STOP” sign is displayed on a road, the driver facing the sign
shall-

(a) stop before crossing the transverse “STOP” line preceding the
“STOP” sign;

(b) in case a “STOP” line is not marked, or is marked but is not visible,
stop immediately before “STOP” sign;

(c) give way to traffic on the major road; and

(d) enter the major road only when the way ahead is clear.

(2) Where a “Give Way” sign is displayed on the road, supplemented by a
single or double broken transverse “Give Way” road marking, the driver
shall slowdown, give way to traffic on the road he is approaching, and
proceed cautiously.

(3) If there is no pedestrian crossing marked before the “Give Way” sign or
“STOP” sign, the driver shall give way to the pedestrians.

(4) the vehicle emerging onto a road from a property bordering thereon shall
give way to the motor vehicles and other traffic already running on that
road.

8. Left, right and ‘U’ turns.

The driver shall plan well in advance of a turn, move to the appropriate
lane of the road and give signal for the intended turn in the following manner,
namely:-
(1) Taking a left turn

(a) a driver who wishes to turn left shall clearly and in good time indicate his intention to turn left either by using direction indicator or giving appropriate hand signal;

(b) before turning left, the driver shall, in reasonable time, move to the left most lane or use a slip lane, where provided;

(c) while driving on a multi-lane road, where direction arrows pointing to the left are marked on the road, the driver shall use that lane while taking a left turn;

(d) before moving into the left lane, the driver shall keep in view the traffic to his left and behind him, and change the lane only after giving a left-turn signal;

(e) before turning left, the driver shall give way to cyclists and other slow-moving traffic;

(f) at uncontrolled pedestrian crossings, the driver shall give way to the pedestrians before turning left;

(g) a vehicle, which is unable to negotiate a left turn due to large turning radius required for the vehicle from the extreme left lane, may use the next lane with the driver keeping a watch on the traffic on the left of the vehicle in the rear view mirror and exercising extreme caution while negotiating the turn.

(2) Taking a right turn

(a) the driver who wishes to turn right shall clearly and in good time indicate his intention to turn right by using either the direction indicator or by giving a hand signal;

(b) before turning right, the driver shall in good time move to the right most lane;

(c) while driving on a multi-lane road, where direction arrows pointing to the right are marked on the road, the driver shall remain in that lane while taking right turn;
(d) before moving into the right lane, the driver shall keep in mind the traffic on his right and behind him, and change the lane only after giving a right-turn signal;

(e) at uncontrolled pedestrian crossings, the driver shall give way to pedestrians.

(3) Taking a ‘U’ turn

(a) a vehicle shall not make a ‘U’ turn -
   (i) where such ‘U’ turn is prohibited by a road sign or a traffic signal;
   (ii) on a busy road with continuous flow of traffic;
   (iii) on a major road, highway or expressway; and
   (iv) across a continuous single or a double solid line;

(b) the driver shall not take a ‘U’ turn if there are any blind spots around the vehicle and shall start taking a ‘U’ turn only if it is safe to take a ‘U’ turn, after closely observing the traffic in the opposite direction and observing the traffic on the sides and behind the vehicle in the side view mirrors and rear view mirror;

(c) the driver shall negotiate the right turn only after giving way to the other road users who have the right of way, including pedestrians and cyclists;

(d) the driver shall ensure that he has a clear view of approaching traffic and shall not cause undue inconvenience to the other road users and also ensure safety of other road users;

(e) a large vehicle may take the ‘U’ turn from the left lane only where permitted.

9. Precautions to be taken at intersections

(1) The vehicle shall invariably slow down when approaching a road intersection, a road junction, a pedestrian crossing or a road corner, and shall not enter any such intersection, junction or crossing if it is likely to endanger the safety of other road users moving onto, or already on, such intersection, road junction, pedestrian crossing or road corner.
(2) At intersections and junctions, vehicles approaching from the right side shall have the right of way:

Provided that this sub-regulation shall not apply,-

(a) when the junction or intersection is being regulated by manual signals by an unauthorised person, traffic lights or mandatory traffic signs; or

(b) when the vehicle is exiting a minor road and entering a major road.

(3) A motor vehicle shall not enter an intersection if the traffic on the intersection has come to a standstill even if it is on the main road or has a signal to proceed.

10. **Precautions to be taken at roundabouts.**

(1) While entering a roundabout, traffic already in the roundabout shall have the right of way.

(2) A motor vehicle approaching a roundabout shall choose the lane relevant to the direction of its further movement.

(3) The driver shall use indicators when changing lanes within the roundabout.

(4) While exiting the roundabout, the driver shall follow the procedure specified in sub-regulation (2) of regulation (6) for taking a left turn.

11. **Indication of signals.**

(1) The driver shall clearly indicate his intention to change course, turn left or right and before making any manoeuvre, using mechanical or electrical devices fitted in the vehicle or by hand signals.

(2) In case a mechanical or electrical device in not fitted in the vehicle for giving signals or, the said device is provided but not functioning, the driver shall give manual signals as specified below-

(i) to stop, a driver shall raise his right forearm vertically outside of, and to the right of, the vehicle, palm to the right;
(ii) to turn to the right or to drive to the right-hand side of the road in order to pass another vehicle or for any other reason, the driver shall extend his right arm in a horizontal position outside of, and to the right of, his vehicle with the palm of the hand turned to the front;

(iii) to turn to the left or to drive to the left-hand side of the road, the driver shall extend his right arm and rotate it in an anti-clockwise direction;

(iv) to indicate to the driver of a vehicle behind him that the latter may overtake, the driver shall extend his right arm and hand horizontally outside of, and to the right of, the vehicle and shall swing the arm backward and forward in a semi-circular motion.

12. Traffic control signals.

While approaching a traffic control signal, the vehicle shall slow down and follow the directions given by the traffic control signals in the following manner, namely:-

(1) Red traffic light, -

(a) a motor vehicle facing the red light of a traffic control signal at an intersection or at a place other than an intersection, shall stop the vehicle before the stop line preceding the pedestrian crossing;

(b) if the stop line is not marked or, if marked is not visible, the vehicle shall stop before the pedestrian crossing;

(c) if there is no marked pedestrian crossing, the vehicle shall stop before the primary traffic signal;

(d) the vehicle shall move with caution after the green traffic signal turns on;

(e) when, at an intersection or at a place other than an intersection, rapid intermittent flashes of red light are displayed by a traffic control signal, the vehicle facing the signal shall,-

(i) stop before the stop line preceding the pedestrian crossing;
(ii) stop before the pedestrian crossing if the stop line is not marked 
or, if marked is not visible;

(iii) stop before the primary traffic signal at the intersection if there is 
no marked pedestrian crossing;

(iv) drive past the signal or across the pedestrian crossingafter giving 
the right of way to the pedestrians and the vehicles running at the 
major road;

(f) notwithstanding anything contained in clauses (a) to (d), a motor 
vehicle may take a left turn and proceed further after giving way to 
the traffic approaching the intersection from its right side and to the 
pedestrians and cyclists crossing the intersection on its left side 
unless a traffic control device or a road sign prohibits a left turn when 
the red light is on.

(2) **Green traffic light,** -

(a) when, at an intersection or at a place other than an intersection, a 
green light is on at a traffic control signal, a motor vehicle facing the 
green light shall,-

(i) drive the vehicle into the intersection or pedestrian crossing 
only if the way ahead is clear;

(ii) move only in the direction indicated by the green directional 
arrow in case a green directional arrow signal is also displayed 
by a traffic control signal;

(iii) give way to any pedestrian, who is within the intersection or at 
an adjacent pedestrian crossing, and to any other vehicle 
which is within the intersection at the time when the green 
light turns on;

(b) when, at an intersection, rapid intermittent flashes of green arrow 
signal are displayed by a traffic control signal, a motor vehicle facing 
the flashes of the green arrow signal shall turn only in the direction of 
the arrow after giving the right of way to pedestrians, cyclists and the 
vehicles merging in the path which the driver is approaching.
(3) **Amber traffic light,** -

(a) when, at an intersection or at a place other than an intersection, an amber light is on at a traffic control signal, the vehicle facing the amber light shall stop before the stop line preceding the pedestrian crossing;

(b) if a stop line is not marked or, if marked is not visible, the vehicle shall stop before the pedestrian crossing:

Provided that if there is no marked pedestrian crossing, the vehicle shall stop before the primary traffic light signal unless it has either crossed the stop line or is so close to the stop line that abrupt stopping may result in a collision with the following vehicle;

(c) a motor vehicle facing rapid intermittent flashes of amber light from a traffic control signal at an intersection or at a place other than an intersection shall slow down and may drive into the intersection or pedestrian crossing with caution after giving way to the pedestrians and vehicles which are already within the intersection.

13. **Manual traffic control.**

(1) Where a police officer in uniform or any other authorised person is regulating the traffic at an intersection or at a place other than an intersection, the driver shall slowdown the vehicle and follow the directions of the said officer or person.

(2) When a “STOP” signal is shown by the police officer in uniform or any other authorised person, the driver shall stop the vehicle before the stop line preceding the pedestrian crossing.

(3) In case the stop line is not marked or, if marked is not visible, the driver shall stop the vehicle before the pedestrian crossing.

(4) In case there is no marked pedestrian crossing, the driver shall stop the vehicle before the approaching road at the junction.
(5) When a vehicle has stopped in compliance to a “STOP” signal given by the police officer in uniform or any other authorized person, it shall not move further until a signal to proceed is given by the said officer or person.

14. Overtaking

(1) A motor vehicle shall not overtake any other road user unless it is safe and not in violation of the provisions of the Act or the rules made thereunder or any other law for the time being in force.

(2) A vehicle shall be overtaken only from the right side:

Provided that a vehicle may be overtaken from the left, if-

(a) the vehicle which is to overtake and the vehicle which is to be overtaken are both driving on a multi-lane road and the vehicle ahead can be safely overtaken in a marked lane to the left of the vehicle being overtaken;

(b) the vehicle to be overtaken is either turning right or making a ‘U’ turn from the centre of the road and is giving a signal to turn and it would be safe to overtake it from the left; or

(c) the vehicle to be overtaken is stationary and it is safe to pass it from the left.

(3) No vehicle shall be overtaken if such overtaking is likely to impede the oncoming traffic.

(4) While overtaking, the vehicle shall be driven at a speed higher than that of the vehicle to be overtaken, but the speed shall not exceed maximum speed limit specified by or under the Act or the rules made thereunder.

(5) No vehicle shall overtake-

(a) if the traffic situation is not clear;

(b) if prohibited by any mandatory traffic signs;
(c) by crossing the continuous single or double solid longitudinal lane mark dividing the road;

(d) on a bend or corner or at any obstruction of any kind resulting in the road ahead not being clearly visible;

(e) at junctions, intersections and pedestrian crossings;

(f) at a transit location where the road narrows or where lanes on the carriage way are reduced in width;

(g) on a narrow culvert; or

(h) on a road where ‘School Zone’ or ‘Hospital Zone’ or ‘Construction Zone’ is indicated by road signs.

(6) The driver shall use the direction indicators to show his intention to overtake and, after manoeuvring the overtaking, return to the left side of the road as quickly as possible.

(7) No driver shall give a right turn indicator to signal permission to the following vehicle to overtake him.

(8) Outside built up areas, the driver shall signal his intention to overtake the vehicle ahead of him by blowing the horn for a very short duration or by headlight flasher signal and may overtake the vehicle after getting a signal for overtaking from the driver in front or if the way ahead is clear.

(9) If a vehicle is overtaking another vehicle, the driver of the vehicle being overtaken shall not increase its speed or impede the overtaking vehicle’s safe return to the left lane.

15. Merging in traffic

(1) A motor vehicle entering a national highway or a state highway or a major district road shall give way to traffic on the highway or the major district road, as the case may be.

(2) At an intersection of two roads of same category, the driver of the motor vehicle on the right shall have the right of way.
Wherever applicable, the driver shall use the acceleration for merging lane to build up speed of the vehicle before merging it in the traffic on the highway or on the major district road.

Before and while merging in the traffic, the driver shall keep a close watch on the traffic through rear view mirror and side-view mirrors and signal his intention to merge.

The driver shall not attempt to overtake a vehicle or vehicles ahead of him unless he has stayed long enough in the left-hand lane or the lane in which he had been driving.

**16. Speed**

A driver shall drive only at a speed which allows him control of the vehicle at all times, taking into account the driving conditions, including to the condition of the vehicle and its load, the road, other traffic, visibility and weather.

The vehicle shall, during fog, rainfall, snowfall, storm or desert winds, be driven at a lower speed to enable the driver to stop the vehicle within the range of forward vision.

A motor vehicle shall not be driven-

i. at a speed exceeding or less than the maximum or minimum speed limit specified on the signages; and

ii. at a speed exceeding the maximum speed limit notified by the competent authority or authorities for that class of vehicles and for the class of roads on which it is for the time being driven.

No driver shall, without good and sufficient reason, drive so slowly as to impede the normal traffic flow.

No driver shall drive at a speed exceeding twenty-five kilometre per hour or such lower speed as may be specified on the road signage while passing by a construction site or a school or a hospital, wherever indicated by signage, or on roads without footpaths and soft shoulders where pedestrians use a part of the carriageway to walk.
17. **Keeping safe distance.**

1. A driver driving behind another vehicle shall keep sufficient distance, commensurate with the traffic conditions, from the vehicle ahead, so as to be able to stop (pull up) safely if the vehicle ahead suddenly slows down or stops.

2. When being followed by another vehicle, not suddenly brake without a compelling reason.

3. The driver shall during rainfall, snow or storm or ice on the road due to severe weather conditions and during other adverse weather conditions, further increase the distance from the vehicle ahead.

18. **Restrictions on driving backwards (in reverse direction)**

1. No driver of a motor vehicle shall drive the vehicle backwards (in the reverse direction) on a road or in a parking or any other public place:

   Provided that the driver shall while driving backwards ensure that the backward movement of the vehicle does not in any manner endanger the safety of, or cause undue inconvenience to, the other road users and that such reverse movement is for a distance and duration that may be reasonably necessary to turn around the vehicle.

2. No motor vehicle shall be driven on to a public road in the reverse direction.

3. No motor vehicle shall be driven backwards into a road designated as “ONE WAY”.

19. **Level crossings.**

1. Rail-borne vehicles shall have over-riding priority at all unmanned level crossings.

2. A driver shall slow down when approaching a railway crossing and shall-
   - i. not park the vehicle within the barriers of a railway crossing;
   - ii. not overtake within the barriers of a railway crossing; and
   - iii. keep to the left of the roadway.
(3) At a guarded railway crossing, no motor vehicle shall enter the crossing after the gates or barriers have been closed or have started to close or when the vehicular traffic is facing red light signal.

(4) At an unguarded railway crossing,-

(a) a motor vehicle shall enter the crossing only after ensuring that no rolling stock is in sight; and,

(b) the driver of a bus, including a school bus, a goods vehicle, a tractor trolley carrying farm labour or goods and a vehicle carrying hazardous, flammable or dangerous materials, shall stop at the approach of the railway crossing and the driver of the vehicle shall cause the attendant or any other person in the vehicle to walk up to the level crossing to ensure that no rolling stock is approaching from either side, and the attendant or such other person shall guide the driver across such level crossing:

Provided that where no such attendant or other person is available in the vehicle, the driver of the vehicle shall safely stop the vehicle on the roadside, a light from the vehicle and walk up to the crossing to see and ensure that no rolling stock is approaching from either side before starting to cross the level crossing.

20. Entering a tunnel.

(1) The driver shall switch on the dipped lights before entering a tunnel.

(2) No driver shall overtake, make a U-Turn or drive backwards inside a tunnel.

(3) No driver shall stop or park the vehicle within a tunnel unless absolutely unavoidable and, in such situation, switch on the hazard warning lights of the vehicle and also place reflective traffic warning triangles as specified in clause (c) of sub-rule (4) of rule 138 of the Central Motor Vehicles Rules, 1989, at a distance of twenty meters each from the vehicle in the front of, and behind, the vehicle.
21. **Vehicles going uphill to be given precedence.**

(1) On mountain roads and steep roads, where the road is not sufficiently wide to allow the motor vehicles to cross each other freely, the driver travelling downhill shall-
   
i. stop the vehicle on the left side of the road; and
   
ii. allow the vehicle proceeding uphill to pass first.

22. **Stopping and parking.**

(1) A vehicle shall not be stopped-
   
i. at a place where the road is narrow or the view is obstructed;
   
ii. near or on a sharp bend;
   
iii. in an acceleration or a deceleration lane;
   
iv. on, or five meters before, a pedestrian crossing;
   
v. on a level crossing;
   
vi. five meters or less before a traffic light signal or “Give Way” sign or “STOP” sign or if a stationary vehicle is likely to obstruct these signs from the view of other road users;
   
vii. at designated bus stands if the vehicle is other than a bus;
   
viii. on a yellow box marked on road; and
   
ix. where prohibited by a mandatory “No Stopping” sign.

(2) A vehicle shall not be parked-
   
(a) at a place where stopping a vehicle is prohibited under sub-regulation (1);
   
(b) on a main road or at a stretch of a road where the notified maximum speed limit is fifty kilometres per hour or more;
   
(c) on a footpath, cycle track and pedestrian crossing;
   
(d) before or after an intersection or a junction up to a distance of fifty meters from the edge of the intersection or junction;
   
(e) where it would block access to designated parking spaces;
(f) near a bus stop, at the entrance to an educational institution or a hospital or if it is likely to block a traffic sign or a fire hydrant;

(g) in a tunnel;

(h) in a bus lane;

(i) in front of the entrance or exit of a property;

(j) where there is a continuous yellow line installed or painted on the carriageway on the kerb side;

(k) away from the edge of the footpath;

(l) opposite another parked vehicle;

(m) if it is likely obstruct any other vehicle or cause inconvenience to any person;

(n) alongside another parked vehicle;

(o) beyond the specified duration at a place where parking is permitted for a specified duration only;

(p) in a place where parking is permitted for a specified category or categories of vehicles and the vehicle does not belong to the specified category;

(q) by a driver who is not differently abled in a parking space reserved for vehicles driven by differently abled drivers;

(r) in a manner other than that specified in the parking bays in a designated parking lot or in such a manner as to occupy excessive space; and

(s) where parking is prohibited by a “No Parking” sign.

23. **Use of horns and silence zones.**

(1) Unnecessary use of horn is prohibited.

(2) As far as may be, the horn shall be sounded only when the driver apprehends danger to himself or to any other road user.
(3) The driver shall sound the horn when directed by the mandatory sign.

(4) The driver shall not-

(a) Sound the horn continuously or repeatedly or for a duration longer than necessary or in a residential areas or in a silence zone indicated by a mandatory sign;

(b) Make use of a cut-out by which exhaust gases are released other than through the silencer;

(c) Fit or use an air horn or a multi-toned horn giving a harsh, shrill, loud or alarming noise except as provided in sub-rule (3) of rule 119 of the Central Motor Vehicles Rules, 1989; and

(d) Drive a vehicle which creates undue noise or causes an alarming sound when in motion.

24. **Mandatory orders**

(1) A police officer in uniform or an authorised officer of the State Government, may stop a motor vehicle by giving a signal by means of technical device on the vehicle or a signalling disc or a red light for verifying the certificate of fitness of the vehicle or for collecting required information in respect of the vehicle or the driver or other occupants the vehicle, and the vehicle owner or driver shall comply with the instructions given by such officer.

(2) Every driver shall obey the directions given by mandatory signages, road markings and signalling devices operated by an authority competent to do so or by a police officer in uniform or by an authorised person for the time being on duty.

(3) Notwithstanding any other rule for the time being in force or any order, road sign, marking or traffic light signal, and without prejudice to the duty of the driver to exercise due care and caution, the driver shall obey the signals or instructions of a police officer on duty in uniform in regard to movement of the vehicle.
(4) The driver shall obey the verbal directions or signals of a police officer for the time being on duty with regard to movement of the vehicle, including the directions to stop or reverse the vehicle or to slow down or to turn back or to move in the specified direction or to keep in such line of traffic as may be specified by the said police officer.

25. **Passing along formations.**

(1) While passing along formations such as funeral and other procession or a body of troops or police contingent on the march, or pack or saddle of animals or cattle, the driver shall reduce the speed of the vehicle, and pass by the formation slowly and cautiously, leaving adequate space between the formation and the vehicle.

(2) If the formation as described in sub-regulation (1) is crossing, or is about to cross, the road in front of the vehicle, the driver shall stop the vehicle and allow the formation to cross the road and not drive through the formation.

26. **Bar on traffic impairment.**

Unless validly permitted by the competent authority under the Act or the rules made thereunder, no driver shall -

i. offer goods or services of any kind on the road; or

ii. display any advertisement on the vehicle.

27. **Vehicles designated for emergency duties.**

(1) The driver of a vehicle designated by the State Government for emergency services under sub-rule (4) of rule 108 of the Central Motor Vehicles Rules, 1989 including a vehicle used as ambulance or for fire-fighting or for salvage purposes or a police vehicle, shall operate the multi-toned horn (siren) and the multi-coloured light with flasher only when the vehicle is responding to an emergency call or an alarm.

(2) An emergency vehicle, while its multi-toned horn and the flasher is on, shall have the right of way over all the other vehicles.
In a case of utmost emergency like saving a human life, warding off serious damage to health of a person, prevent commission of a crime or damage to essential services or fight a fire, the driver of the emergency vehicle with the multi-toned horn and the multi-coloured flasher operating may, with utmost care, responsibility and caution-

i. cross a red traffic light;

ii. exceed the specified speed limit;

iii. drive on a highway hard shoulder; and

iv. drive in either direction on a “NO ENTRY” or a “One Way” street.

The priority within the emergency vehicles as referred in sub-regulation (1) shall be as follows-

i. first, a fire service vehicle;

ii. second, an ambulance;

iii. third, a police service vehicle; and

iv. fourth, any other vehicle designated by the State Government as an emergency management vehicle such as for maintenance of essential public services like water and power supply or public transport.

When an emergency vehicle, with its multi-toned horn and light flasher on, is overtaking, approaching or entering the path of any other vehicle, the person driving or riding such other vehicle shall, unless otherwise directed by a police officer-

(a) yield the right of way to the emergency vehicle, by driving to the left as close as practicable to the kerb or edge of the roadway in the shortest possible time;

(b) stop, if required, and remain stationary in that position until the emergency vehicle has passed.

The driver shall, unless otherwise directed by the crew of the emergency vehicle, maintain a distance of at least fifty meters from the emergency vehicle on which multi-toned horn or flasher lights or both are operating.
(7) A road maintenance or public utility maintenance vehicle may be parked on the roadway, if necessary, after switching on the hazard warning lights and placing a warning device with necessary information at least fifty meters behind the parked vehicle, and take all other precautions to ensure safety of other road users.

28. **Vehicle breakdown.**

In case a vehicle with more than two wheels has broken down at a place where it can be recognised in time as a stationary obstacle,—

i. the hazard warning lights of the vehicle shall be switched on immediately;

ii. on highways and major roads with fast speed, reflective traffic warning triangles shall be placed at a distance of fifty meters behind the broken-down vehicle; and

iii. if there is a bend on the road where the vehicle is parked, reflective traffic warning triangles shall be placed before the bend.

29. **Action in case of vehicular accident**

(1) The driver shall maintain absolute cool in case of an accident and do nothing that may harm the other driver or vehicle involved in the accident or any other person.

(2) **Minor accidents**

i. the driver or drivers, as the case may be, involved in the accident shall alight from the vehicle and take pictures of the vehicles, the occupants of the vehicles, any pedestrian or any other person or vehicle, whether motor vehicle or otherwise, and the accident scene, if possible;

ii. the drivers shall pull the vehicles out of the road immediately so that the vehicles are clear of oncoming traffic;

iii. the driver or drivers shall place reflective traffic warning triangles near or around the vehicles to alert other drivers, and turn on hazard warning lights;
iv. the driver or the riders shall immediately call the police or ambulance or nearest hospital if anyone has been hurt;

v. The driver shall not leave the scene of an accident, even if it was a minor accident, until everything has been resolved to everyone’s satisfaction.

(3) **Major accidents**

(a) every person involved in the accident shall check himself and other occupants of the vehicle or vehicles involved in the accident to see if anyone has been injured;

(b) if someone has been hurt, medical assistance and police shall be called immediately;

(c) once the condition of the driver and the passengers or riders has stabilized, the persons involved in the accident shall try to take pictures of the persons and vehicles involved in the accident, including the registration plates of the vehicles and the accident scene;

(d) the driver or drivers involved in the accident shall move the vehicles vehicle off to the side of the road, if possible, at the earliest;

(e) if it is not possible to move the vehicle or vehicles, the driver or drivers involved in the accident shall remain in the area of the incident until the police arrives unless the same is not possible due to injuries sustained in the accident;

(f) **the driver and the other occupants shall cooperate with the police authorities in the investigation of the accident**;

(g) if involved in an accident with another vehicle, the drivers shall exchange the following information with that driver: name, address, phone number, insurance company, policy number, driving license number and registration number of the vehicle.

(4) **Interacting with the other driver,**

(i) once the initial shock wears off and it is apparent that no one has been seriously hurt, tempers may flare and all persons involved in
the accident shall refrain from losing temper or provoking any other person or persons;

(ii) the driver or any other occupant shall get the other driver's name, address, contact information and insurance details, and provide the same to him;

(iii) if an amicable settlement cannot be made, call the police immediately;

(iv) if police has been informed, all persons involved in the accident shall remain at the scene until the investigators arrive and permit them to leave.

30. **Towing a vehicle.**

(1) No two-wheeled motor vehicle shall be towed by another vehicle.

(2) The maximum speed while towing a vehicle shall not exceed twenty-five kilometres per hour.

(3) The distance between the towed vehicle and the towing vehicle shall not exceed five meters;

(4) The tow ropes or chains shall be prominently visible to other by road users.

(5) A retro reflective “ON TOW” sign not less than ten centimetres in height and two centimetres in width with spacing of two centimetres between the letters on white background shall be displayed on the front of the towing vehicle and at the rear of the vehicle being towed and a driver shall not tow a vehicle at night, in darkness or in adverse weather conditions unless the hazard warning lights of both vehicles are switched on:

Provided that if the hazard warning lights of the vehicle being towed are not functional, it shall not be towed unless the hazard warning lights of the towing vehicle are switched on.

31. **Vehicle lighting.**

(1) The driver shall use the specified lighting devices at nightfall, at night and at dawn and at other times when visibility is poor:
Provided that the driver of a two-wheeled motor vehicle shall drive with dipped head lights switched on during the day time also.

(2) The lighting devices of a vehicle shall at all times be kept in good working condition and no lighting device shall be obscured by any object or dirt.

(3) No driver shall-
   i. drive the vehicle with parking lights only, unless so directed by a police officer in uniform or any other authorised person; and
   ii. use high beam inappropriately or for long duration or on well-lit roads.

(4) High beam shall be dipped in good time on the approach of an oncoming vehicle or when driving close behind another vehicle.

(5) The driver shall switch on the fog light headlamps only when visibility is considerably affected due to fog, dust, storm, rain or snow and only with dipped head lamps.

32. Driving of tractors and goods vehicles.

(1) The driver of a tractor shall not carry, or allow any person to be carried, on the tractor.

(2) The number of persons in the driver's cabin of a goods carriage shall not be more than the number of persons specified in the certificate of registration of the vehicle.

(3) No person shall be carried in a goods carriage for hire or reward.

33. Lane splitting (lane within a lane)

   In urban areas, on roads having a maximum speed limit of forty kilometres per hour, wherever specifically permitted by road signs, motor cyclists may filter between three and four wheeled vehicles when the speed difference between the motor cyclists and the other vehicles does not exceed fifteen kilometres per hour.

34. Restriction to carriage of dangerous substances

   No driver of a public service vehicle shall carry, or allow any other person to carry, any explosive or highly inflammable or otherwise dangerous substance except the fuel and lubricants required for the vehicle.
35. **Projection of loads**

(1) The driver shall at all times ensure that loads, including load restraints and loading equipment, in the vehicle are stowed and restrained in such manner that these cannot slip, fall over, roll around, fall off the vehicle or produce avoidable noise, even in an emergency braking situation or if the vehicle swerves suddenly.

(2) No driver shall drive in any public place a motor vehicle which is loaded in a manner which is likely to cause danger to any person.

(3) The load or any part thereof, or any other object in the vehicle shall not extend laterally beyond the sides of the body or to the front or to the rear, or exceed in height or weight the limits specified in the certificate of registration of the vehicle.

36. **Registration plates.**

(1) No vehicle shall be driven or parked on a public road without displaying registration plates as prescribed by the Act and the rules made thereunder.

(2) The registration plates on the front and at the rear of the vehicle shall be clearly visible and legible and no object whatsoever or dirt shall obstruct clear view of the entire registration place.

(3) No letter, word, figure, picture or symbol other than the registration number shall be displayed or inscribed or written on the registration plates.

(4) No load or other goods shall be placed on a motor vehicle in such manner as to fully or partly hide the registration plate.

37. **Use of mobile telephones and communication devices.**

(1) The driver shall not use any hand held mobile phone or other communication device.

(2) No trainer or supervisor shall use a mobile phone or other communication device while training or supervising a learner driver.
38. **Production of documents.-**

(1) The driver of a transport vehicle shall always carry with him the following documents in original, except for a document that might have been seized by an authorised person or authority, namely:-

(a) driving license;

(b) certificate of taxation;

(c) certificate of registration;

(d) certificate of insurance;

(e) fitness certificate; and

(f) pollution under control certificate.

(2) The driver of a vehicle transporting hazardous or dangerous goods shall carry documents specified in rules 132 and 133 of the Central Motor Vehicles Rules, 1989.

(3) The driver of a non-transport vehicle shall always carry with him-

(a) The driving license and pollution under control certificate; and

(b) Certificate of registration and certificate of insurance or photocopies thereof.

(4) The driver shall, on demand by police officer in uniform or an officer of the Motor Vehicles Department or any other officer authorised by the State Government in this behalf, produce the documents for inspection:

Provided that a driver may, if any of the documents has been submitted to or has been seized by any officer or authority under the Act or the rules made thereunder or any other law for the time being in force, produce, in lieu of the document, a receipt or other acknowledgement issued by such officer or authority in respect thereof:

Provided further that where the original certificate of registration or the certificate of insurance specified in clause (b) of sub-regulation (3) is not available with the driver, the owner or driver shall produce such documents before the competent authority, which had directed their production, within fifteen days, if required by that authority.
39. **Pedestrian crossings, footpaths and cycle tracks.**

   (1) While approaching an uncontrolled pedestrian crossing, the driver shall slowdown, stop and give way to pedestrians, users of invalid carriages and wheelchairs.

   (2) If traffic has come to a standstill, the driver shall not drive the vehicle on the pedestrian crossing if he is unlikely to be able to move further and thereby block the pedestrian crossing.

   (3) When any road is provided with a footpath or cycle track, no vehicle shall drive on such footpath or track, except on the directions of a police officer in uniform or where traffic signs permitting such movement have been displayed.

40. **Knowledge and understanding of road signs, markings, traffic control signals, the Act and the Rules.**

   Every driver shall be conversant with and possess adequate knowledge and understanding of the following, namely:-

   (a) Road signs, markings and traffic control signals;

   (b) Provisions of the following sections of the Motor Vehicles Act, 1988, namely:-

      (i) Section 19: Grounds for disqualification or revocation of driving license;

      (ii) Section 112: Limits of speed;

      (iii) Section 113: Limit of weight and limitations on use;

      (iv) Section 121: Signals and signalling devices;

      (v) Section 122: Leaving vehicles in dangerous positions;

      (vi) Section 125: Obstruction of a driver;

      (vii) Section 132: Duty of a driver to stop in certain cases;

      (viii) Section 133: Duty of owner of motor vehicle to give information;
(ix) Section 134: Duty of a driver in case of an accident and injury to a person;

(x) Section 185: Driving by a drunken person or under the influence of drugs;

(xi) Section 186: Driving when mentally or physically unfit to drive;

(xii) Section 187: Punishment for offences relating to accident;

(xiii) Section 194: Driving vehicle exceeding permissible weight;

(xiv) Section 200: Composition of certain offences; and

(xv) Section 207: Power to detain vehicles without Certificate of Registration or Permit;

(c) Provisions of the Central Motor Vehicles Rules, 1989-

(i) Rule 21: Acts which constitute nuisance or danger to the public for disqualifying a person from holding a driving license;

(ii) Rule 133: Responsibility of the driver;

(iii) Rule 136: Driver to report to the police station about accident;


2.1.5 The Road Transport Corporations Act, 1950

The Road Transport Corporations Act, 1950 (Act no. 64 of 1950) was enacted with the object to make provisions for incorporation and regulation of Road Transport Corporation. The provisions of the Act is extended to the whole of India, earlier the Act was not covering the State of Jammu and Kashmir and Union territory of Delhi. The Act was extended with the amended provisions to the Union territory of Delhi and Mizoram, in the year 1971 and 1982 respectively. Similarly, the Act was brought into force in the different States by different dates.
The Act under its section 3 deals with establishment of Road Transport Corporation in the States by the concerned State Governments. Such Road Transport Corporation should be corporate body and should have all the features, similar to which the registered company is having. While doing so, the State Governments should consider certain thing including advantages offered to the public, trade and industry by developing Road Transport, desirability of coordination among Road transport of several form and also of extending and improving Road transport facility in any area and of providing efficient and economical system of Road transport service. Moreover, the Board of Directors is vested under the provisions of this Act, with the management of such Corporation. The provisions for such Board and appointments of the Chairman and Directors and their service conditions, are added to the Act by the Amending Act of 1982 (Act no. 63 of 1982).

Another important provision in the Act is section 12 where, the Act provides for appointment of Committees by the Board by passing resolutions to that effect at the meetings. On such appointment of committees, the Board can also delegate powers and responsibilities to such Committees or Chairman or Vice-Chairman either on conditions and limitations or otherwise. Further, section 14 deals with appointments of Managing Directors, Chief Account officer and Financial advisor by the State Governments concerned.

2.1.6 National Road Safety Policy

The Government constituted a Committee under the Chairmanship of Shri S. Sundar, Former Secretary in the year 2005 to deliberate and make recommendations on creation of a dedicated body on road safety and traffic management. The Committee was also subsequently requested to finalise a draft National Road Safety Policy for consideration of the Government. The Committee while submitting its report in February, 2007 inter alia, recommended a draft National Road Safety Policy.

Based on the recommendations of Sunder Committee, the Union Cabinet on 15.03.2010 approved National Road Safety Policy. The National Road Safety Policy outlines the policy initiatives to be framed / taken by the Government at all levels to improve the road safety activities in the country. The National Road Safety Policy is as under :-
2.2 THE EXISTING SCHEMES

The Govt. of India has progressively made efforts to provide Trauma Care to the citizens of India. However, during the same period, the quantum of "Road Accidents" has steadily increased. Thus, it is pertinent to review & improve upon the existing schemes before recommending new measures.

National Highway Authority of India (NHA) operates an Incident Management System on the National Highways which entails a set of coordinated activities initiated when an accident occurs. The aim of this system is to minimize the effects of the incident and restore normal capacity and safety levels to all affected road facilities as efficiently as possible. The operator has to identify relevant agencies viz. rescue, fire, hazardous materials, traffic, police, ambulance, hospitals, alternative routes, cleanups, etc and to liaise with them. The operator also runs 24x7 Route Patrols, Cranes & Ambulances on the said stretches.

2.2.1 Cashless Treatment for Road Accident Victim

The ministry of Road Transport and Highways launched a pilot project for cashless treatment of road accident victims. The objective of the project is to save lives of accident victims by providing prompt and appropriate medical care during 'Golden Hour", and thereby reduce fatalities and disabilities due to road accidents. The project envisages transport of accident victims from the accident scene to hospital and, where required, from one hospital to another for treatment at a public or private hospital for the first 48 hours or Rs. 30,000/-, whichever is earlier. A 24 x 7 Call Centre with toll free number 1033 has been activated on these stretches to receive reports of accidents, deploy nearest ambulance and alert local police authorities, hospital and Road Safety Volunteers.

The Union Ministry of Road Transport & Highways has signed Memorandum of Understanding for two more pilot projects for Cashless Treatment Road Accident Victims – one on Vadodara-Mumbai stretch of NH-8 and the other on Ranchi-Rargaon-Mahulia (Jamshedpur) stretch of NH-33. These were signed in the presence of the Minister of Road Transport & Highways Shri Nitin Gadkari this morning. The projects envisage a toll free number 1033 and a 24x7 call centre to receive accident reports on these identified stretches. There
will be a provision for deploying GPS-fitted ambulances at every 25 kms to shift the accident victims to the nearest hospital in the shortest possible time. In case of admission to a private empanelled hospital, cashless treatment for the first 48 hours within a limit of Rs.30,000/- will be provided. One of the MoUs was with IFFCO Tokyo General Insurance Company Ltd. for the Vadodara-Mumbai stretch of NH-8 and with ICICI Lombard General Insurance Company Ltd for the Ranchi-Rargaon-Mahulia (Jamshedpur) stretch of NH-33.

2.2.2 National Highway Trauma Care Project (NHTCP)

This is an ambitious project in its scale and reach intending to cover the entire Golden Quadrilateral and North-south-east-west corridors for trauma care. It envisages strengthening hospitals along the highways from basic trauma care to advanced tertiary care, all networked with pre-hospital care ambulances so as to provide care during transit and hospitalized within the golden hour. Under this scheme the MoHFW is already upgrading 113 existing healthcare facilities under the 11th Five Year Plan and has plans to upgrade 160 more during the 12th Five Year Plan. To complement the same, the Ministry of Road Transport & Highways (MoRTH) is providing Advanced Life Support Ambulances to each of the Trauma Care Facilities for Inter-Facility Transfer. 70 ambulances have already been supplied and 70 more are being supplied in this year. The Ministry has associated a team of doctors from AIIMS to assist them in finalizing the specifications for the said Ambulances & their prototype design.\(^\text{16}\)

The objective of the project is to save lives of accident victims by providing prompt and appropriate medical care during 'Golden Hour", and thereby reduce fatalities and disabilities due to road accidents. The project envisages transport of accident victims from the accident scene to hospital and, where required, from one hospital to another for treatment at a public or private hospital for the first 8 hours or Rs. 30,000/-, whichever is earlier. A 24 x 7 Call Centre with toll free number 1033 has been activated on these stretches to receive reports of accidents, deploy nearest ambulance and alert local police authorities, hospital and Road Safety Volunteers.\(^\text{17}\)

\(^{16}\) www.morth.nic.in

\(^{17}\) Road Accidents in India – 2015, Ministry of Road Transport & Highways, New Delhi
2.2.3 National Highways Accident Relief Services Scheme (NHARSS)

In the 11th Five Year Plan, the Govt. has launched National Highways Accident Relief Services Scheme which entails providing cranes and ambulances to States/UTs/NGOs for relief and rescue measures in the aftermath of accidents by way of evacuating road accident victims to nearest medical aid centre and for clearing the accident site.

So far, 347 Ten ton cranes and 106 small/medium size cranes have been sanctioned under the scheme. 579 ambulances have been sanctioned to States/UTs/NGOs under the scheme. During 2011-12, 30 cranes, 30 ambulances and 20 small/medium sized cranes are proposed to be provided.

2.2.4 Set Up of the Driver Training Institute Scheme

I. BACKGROUND

1. Large numbers of road accidents are taking place on Indian roads every year resulting in the death of more than one lakh forty two thousand persons. The causative analysis of various road accidents studies carried out in the past infers that majority of road accidents occur due to drivers fault. The report of year 2012 indicates that 78% of all road accidents are due to the fault of the driver. Despite having adequate provisions in C. M. V. Rules which directly as well as indirectly helps in ensuring good driving skills and knowledge of rules of road regulation among drivers, there is an urgent need to impart driving training, both theoretical and practical to the existing and aspiring drivers. Need has also been felt for setting standards and monitoring driving training and issue of Driving License based on an objective scientific process of testing skills. For this purpose, the Government of India intends to set up more model Institutes of Driving Training and Research (IDTR) in States/UTs in the 12th Five-year Plan.

2. It has been decided to set up IDTR in 2-tier system. The model IDTR in tier-I shall be the model driver training institute having adequate land (10-15 acres) and shall include complete infrastructure required for a modern IDTR. In tier-II, Regional Driver Training Centre(s)- (RDTCs) are proposed to be developed across States (excluding the district in the State where IDTR is
proposed or developed) preferably on land measuring minimum about 3 acres with basic support infrastructure including testing tracks.

3. The RDTC proposal(s) shall require sanction of respective State Government. The tier two institutes are expected to be set up and operated by the private sector on a PPP mode. The setting up of tier-II RDTC(s) is envisaged through private initiative on a PPP basis with necessary changes being made in the Motor Vehicle Legislation to make such institutes a commercially viable business proposition. During the 12th Plan, financial support will be provided for setting up of such institutes on a pilot basis.

II. SCHEME FOR TIER-I (IDTR)

1. General Guidelines

   (i) The proposal should contain categorical recommendation of the State Government.

   (ii) Land for the Institute shall be provided free from all encumbrances and the title of the land will vest in the State Government/ Central Government/Society. In case of lease holding, same shall be on a lease of at least 33 years.

   (iii) The proposal should envisage self-sufficiency in meeting the recurring expenditure as this shall not be provided by the Central Government. However, the initial grant may include a component for the consumable for the first year only.

   (iv) The grant of the Central Government shall be one time grant for the capital component of the proposal and the estimates on this account should be based on latest approved CPWD or State PWD Schedule of Rates. However, actual procurement should be made by following tender procedure to obtain most competitive price and quality products. The capital component of the proposal may include modern equipments such as innovative driving test system (IDTS) using Radio Frequency Identification (RFID) tags or video recording, simulators, computers and other modern aids. Under this head, provision for hostel facilities including fitting and furnishing can also be considered.
(v) In the case of Government-Private Partnership, the proposal should invariably contain a project appraisal report/feasibility report by an independent reputed agency and comments of State Government, if any.

(vi) Initially, the proposals shall be considered for the locations in/adjacent to the State Capital/Major towns. States already covered in the erstwhile Scheme will be given reduced priority during the 12th Plan except for setting up of RDTC, equipment/simulators and up-gradation based on utilization of the existing capacity.

(vii) A Standing Committee comprising officers from Ministry of Road Transport & Highways, CIRT Pune and experts from the field will scrutinize/recommend the setting up of IDTR and also monitor their progress of work.

(viii) The project should be completed within the period of the approval from the Government of India and submission of U.C after six months of completion failing which a penalty as suitable may be imposed on the executing agencies, which may include debarring the executing agency for future projects.

(ix) The Institutes shall submit half yearly performance report.

(x) It shall be obligatory on the part of the Institute set up from the funds of Central Government to implement the schemes run by Central Government on drivers training on the terms and conditions set out by the Central Government.

(xi) The staff employed at the IDTR shall mandatorily have to undergo training for trainers and will be evaluated for suitability at one of the existing IDTRs designated by the Ministry.

(xii) The Central Government/State Governments will make changes in the motor vehicle rules to mandate driving training for certain categories of drivers, for renewal of LMV / 2 wheeler / heavy motor vehicle driving licence and vest the institutes with certain functions like testing of aspirants for issue of driving licence.
2. Who Can Send the Proposal?

(i) State Government, and/or

(ii) Any other agencies such as State Transport Undertakings, Transport Companies/ Associations, NGOs, Private Party / Automobile Associations/ Vehicle Manufacturers’ Association/ Autonomous Body/Private Vehicle Manufacturers authorized and recommended by the State Governments, in collaboration with the Government.

(iii) However, the Central Government shall give preference to those States/UTs, which make provisions in the motor vehicle rules to mandate driving training for certain categories and also vest in the IDTR the power to licence, monitor, categorize and audit the other driving training schools in the state. In order to facilitate the setting up of IDTRs in a time bound manner, the Central Government shall give preference to those States / UTs whose nodal agency, as approved by the respective State Government submits proposal for setting up IDTR in joint venture with above mentioned categories.

2.1 Criteria of the Eligibility for Agencies other than State Government for Collaboration

(i) Must be registered with the appropriate legal authority.

(ii) Must have a clean record since inception.

(iii) Must have an annual financial turnover of the NGO should be above Rs. 1.00 Crore.

(iv) Should have experience of minimum of 3 years in the field of Road Safety.

Note: NGOs and private firm are required to hypothecate the land/(to be built up infrastructure) in the name of the Ministry of Road Transport & Highways, Transport Bhawan, 1 Parliament Street New Delhi, till the utilization of funds released to them and submission of Utilization Certificate duly certified by CA in this respect.
3. **Infrastructure Requirements**

A minimum of 10-15 acres of land would be required to set up an IDTR with various infrastructure facilities such as class rooms with teaching aids like T.V. and DVD, computers and Multimedia Projector for handling theory classes on Traffic Rules and Regulations, Driving Procedures, Vehicle Mechanism, Public Relations and First Aid.

To display cut section models of various working systems of an automobile, including failed components as well as static models on driving procedures, a separate driving lab is also required.

Testing equipments to test physical ability of drivers including eye vision, Driving Simulator, and a comprehensive driving range with various types of manoeuvres to impart off-road driving practice in basic driving procedures and driving practice in skill development, including installation of Sensor/RFID/Video Analytics based IDTS are required. An indicative layout of Driving Range and various facilities provided in the Driving Range for skill development practice is placed at Annexure – I (E). However the actual layout will depend on topography of the land. All the dimensions should comply with Motor Vehicle Act, 1988 and IRC specifications.

The other infrastructure such as workshop shed for maintenance and repair of training vehicles, canteen and Hostel facilities are also to be provided in the Institute itself. The details of the infrastructure requirement are given in the Annexure-I (E).

4. **Financial Implications**

   **Capital investment**

   The Central Government may provide 100% of the capital investment subject to maximum of Rs. 18.50 Crore as per following tentative break up:

   (i) Civil Construction: Rs. 14 Crore

   (ii) Workshop equipment: Rs. 1.5 Crore

   (iii) Vehicle and Simulator: Rs. 3 Crore
If size of the project is more than Rs. 18.50 Crore, the excess amount will be borne either by the State Government or Private Developer. The land should be provided by the State Government free of cost or at a subsidized price, if it is not possible to provide it free of cost.

Funds shall be released as per the progress report, UC and recommendation of CIRT, engaged for appraising the progress and recommendation for next installment based on the following milestones:

(i) Mobilization advance: 10% of the project cost
(ii) Land development and construction of the compound wall: 10%
(iii) Construction of Training Centre, test track and other amenities:

After 25% construction: 20% of the project cost
After 50% construction: 20% of the project cost
After 75% construction: 20% of the project cost
After 100% construction: 10% of the project cost
After recommendation of the closure of the project: 10% of the project cost.

5. Management of IDTR

For overseeing the construction and operation of the IDTR, a society shall be formed. The society will comprise of the representatives of Ministry of Road Transport, Govt. of India, State Government and Private partners.

6. Responsibilities of Central, State Govt. and Private Partner Responsibilities

The parties involved in the establishment and management of IDTR are the Central Government, State Government and Private Partner. The responsibilities of the individual parties are given below:

Central Government

- Fund the setting up of IDTR subject to maximum up to Rs.18.50 Crore
• If required, necessary amendments will be incorporated in CMVR to make project viable

• A mechanism for grievance redressal shall also be institutionalized under the chairpersonship of Joint Secretary, MoRTH for handling grievances wherein intervention of MORTH is required.

• Encourage OEMs to sponsor vehicles and cut section model (rejected/testing vehicles) to these institutes

• Support in procurements training and testing equipments from the national/international manufacturers at a subsidized rate

State Government

• Ensure execution of the IDTR projects by following the norms in the stipulated time periods.

• Ensure effective utilization of the infrastructure being set up in the IDTR through legislative provisions.

• Ensure legislation provisions to ensure that the IDTR projects are commercially viable by ensuring minimum guaranteed number of people get trained and certified through the centre

• Inspection of IDTR on regular intervals.

• Identify and allot requisite land of about 10-15 acres for setting up the institute free of cost.

• Necessary amendments will be incorporated in MVR of the state to make project viable. Government should make it mandatory to issue all the new licenses and renewal only through the IDTR and RDTC and also ask all PSU’s and Government organization to recruit drivers and train them through the system.

• All educational institutions should participate for regular programs on road safety conducted by the institute.

• Bear any expenditure in excess of the stipulated grant in association with the private partner.
**Private Partner**

- Play the lead role in the establishment and management of the IDTR.
- Sponsor the vehicles, training aggregates and teaching aids in the IDTR.
- Assist the Government in relation to various processes related to setting up and managing operations of training and training centres professionally, motor driving training, imparting technical assistance and skills in the said profession for maintenance of vehicles.
- Provide support in the form of designing course content, curriculum, technical assistance, guidance, vehicles and equipments required for training, know-how and services, training aggregates, training materials including vehicles manuals and teaching aids for driver training.
- Provide employment opportunities to the deserving qualified and trained drivers at the IDTR through their business processes.
- Impart free training to the instructors of the IDTR on a regular basis regarding the latest vehicle technologies.
- To bring in professionalism in the area of driver training.
- Design, develop and operate the institute on time line stipulated by the government
- Bring in new technology and modern tools and process Run the institute as a self sustainable mode
- Complete Administration and run the institute under the guidelines of the government
- Submit periodical progressive reports to the government.
• Install audit and review mechanism for quality assurance

• Bear any expenditure in excess of the stipulated grant in association with the State Government.

7. Details of a Standard IDTR are given at Annexure-I (A).

III. SCHEME FOR TIER-II (RDTCs)

1. General Guidelines

(i) The RDTCs will set up and operated through partnership between state government and private developer. The proposal should invariably contain details of complete financial support inclusive of land cost (if any) through private party.

(ii) Land for the RDTCs may be procured or leased for minimum 33 years by the private partner/state government and should have a clear title.

(iii) The proposal should invariably contain a project appraisal report/feasibility report by an independent reputed agency and comments of State Government, if any.

(iv) The proposal should contain a categorical recommendation of the State Government.

(v) The project should be completed within the period approved by the Government of India.

(vi) The grant of the Central Government shall be one time grant for the capital component of the proposal and the estimates on this account should be based on latest approved CPWD or State PWD Schedule of Rates. However, actual procurement should be made by following tender procedure to obtain most competitive price and quality products. The capital component of the proposal may include modern equipments such as innovative driving test system (IDTS) using Radio Frequency Identification (RFID) tags or video recording, simulators, computers and other modern aids.
(vii) The proposal should also envisage self-sufficiency in meeting the recurring expenditure as this shall not be provided by the Central/State Government.

(viii) The institute will be administered by a society comprising of representatives of state government and the private promoter.

(ix) The staff employed at the IDTR shall mandatorily have to undergo training for trainers and will be evaluated for suitability at one of the existing IDTRs designated by the Ministry.

(x) The fee structure for the training courses will be decided by the Society administering the institute with the approval of state government.

(xi) The RDTCs shall submit half yearly performance report.

(xii) It shall be obligatory on the part of the RDTCs to implement the schemes run by Central Government on drivers training on the terms and conditions set out by the Central Government.

(xiii) More than one proposal for RDTC may be considered across State (excluding the district in the State where IDTR is proposed or developed).

(xiv) The Central Government shall give preference to those States/UTs, which make provisions in the motor vehicle rules to mandate driving training for certain categories of drivers, for renewal of heavy motor vehicle driving licence and vest the institutes with certain functions like testing of aspirants for issue of driving licence.

(xv) The State Government will make efforts to implement the scheme in respect of RTDCs in the rest of the state on its own, with the support of private partners within 3 years of implementation of pilot scheme.

2. **Who Can Send the Proposal**

Any agencies such as NGO/Automobile Associations/Vehicle Manufacturers’ Association/ Autonomous Body/Private Vehicle Manufacturers,
ITI, authorized and recommended by the State Governments, in collaboration with the State and Central Government. The Central Government will give the preference to those agencies who submit the proposal for setting up of RDTC for women only. In such centres, training will be imparted by lady instructors and trainee will be women only.

**Criteria of the eligibility for agencies other than State Government**

a. Must be registered with the appropriate legal authority.

b. Must be a clean record holder since inception.

c. Must have an annual financial turnover of minimum Rs. 50 lakh.

d. Should have experience of 3 years in the field of Road Safety.

**Note:** Private agencies are required to hypothecate the land/(to be built up infrastructure) in the name of the Ministry of Road Transport & Highways, Transport Bhawan, 1 Parliament Street New Delhi, till the utilization of funds released to them and submission of Utilization Certificate duly certified by CA in this respect.

### 3. INFRASTRUCTURE REQUIREMENTS

About minimum of 3 acres of land would be required to set up a RDTC with various infrastructure facilities such as class rooms with teaching aids like OHP, T.V. and DVD, computers and Multimedia Projector for handling theory classes on Traffic Rules and Regulations, Driving Procedures, Vehicle Mechanism, Public Relations and First Aid.

To display cut section models of various working systems of an automobile, including failed components as well as static models on driving procedures, a separate driving lab is also required.

Testing equipments to test physical abilities of drivers including eye vision, and driving range with various types of manoeuvres to impart off-road driving practice in basic driving procedures and driving practice in skill development, including installation of RFID/Video based Innovative Driving Test System (IDTS) are required.
The other infrastructure such as workshop shed for maintenance and repairs of training vehicles and pantry facilities are also to be provided in the RDTC itself. The details of the infrastructure requirement are given in the Annexure-II (A).

4. FINANCIAL IMPLICATIONS

The setting up of tier-II RDTC(s) is envisaged with financial support through private party. The Central Government will provide the financial support subject to the maximum of Rs. 5 Crore per centre for the pilot phase thereafter the state has to implement the scheme its own post evaluation of the pilot project. The land will be provided by the State Government. However the land could also be provided by the private party but the cost of the land will not be added towards project cost. Any additional requirement of fund will be met either by the State Government or Private Party. However, to make the proposed RDTC self sustainable, the Central Government shall make necessary amendments in CMVR to mandate the grant of new licenses from LMV to HMV, renewal of HMV licenses and refresher training only on certification from the RDTCs of the respective region (if RDTC exist).

Funds shall be released as per the progress report, UC and recommendation of CIRT, engaged for appraising the progress and recommendation for next installment based on the following milestones:-

(i) Mobilization advance: 10% of the project cost

(ii) Land development and construction of the compound wall: 10%

(iii) Construction of Training Centre, test track and other amenities:

After 25% construction: 20% of the project cost
After 50% construction: 20% of the project cost
After 75% construction: 20% of the project cost
After 100% construction: 10% of the project cost
After recommendation of the closure of the project: 10% of the project cost.
5. **RECURRING EXPENDITURE**

The total recurring expenditure shall be borne by the RDTCs from the resources it would generate by way of fees or other allied activities.

However, the RDTCs may seek grants from State Government/other stakeholders till such time the Centre becomes self-sustaining. Further in order that the curriculum offered by the Centre for training is made popular, the fees could also be subsidized initially. Grants may however be given for specific courses for the underprivileged and drivers of the unorganized sectors by the Central Government / State Government.

6. **Management of RDTC**

For overseeing the construction and operation of the RDTC, a society shall be formed. The society will comprise of the representatives of Ministry of Road Transport, Govt. of India, State Government and Private partners.

7. **Responsibilities of Central, State Government and Private Partner**

The parties involved in the establishment and management of RDTC are the Central Government, State Government and PPP Partner. The responsibilities of the individual parties are given below:

**Central Government**

- Fund the establishment of RDTC subject to maximum up to Rs.5 Crore.

- If required, necessary amendments will be incorporated in CMVR to make project viable.

- A mechanism for grievance redressal shall also be institutionalized under the chairpersonship of Joint Secretary, MoRTH for handling grievances wherein intervention of MoRTH is required.

- Should request to OEM to sponsor vehicles and cut section model (rejected /testing vehicles) to these institutes
The ministry should support in procurements training and testing equipments from the national/ international manufactures at a subsidized rate.

**State Government**

- Ensure execution of the RDTC projects by following the norms in the stipulated time periods.
- Ensure effective utilization of the infrastructure being set up in the RDTC through legislative provisions.
- Necessary amendments will be incorporated in CMVR to make project commercially viable by ensuring minimum guaranteed number of people get trained and certified through the centre.
- Government should make it mandatory into Motor Vehicle Act through Government Notification / Government Regulation to issue all the new licenses and renewal only through the IDTR and RDTC and also ask all PSU’s and Government organization to recruit drivers and train them through the system.
- Inspection of RDTC on regular intervals.
- Identify and allot requisite land of minimum of 3 acres for setting up the institute.
- All educational institutions should participate for regular programs on road safety conducted by the institute.

**Private Partner**

- Play the lead role in the establishment and management of the RDTC.
- Sponsor the vehicles, training aggregates and teaching aids in the RDTC.
- Assist the Government through it requisite experience in relation to various processes related to setting up and managing operations of
training and training centres professionally, motor driving training, imparting technical assistance and skills in the said profession for maintenance of vehicles.

- Provide support in the form of designing course content, curriculum, technical assistance, guidance, vehicles required for training, know-how and services, training aggregates, training materials including vehicles manuals and teaching aids for driver training.
- Provide employment opportunities to the deserving qualified and trained drivers at the RDTC through their business processes.
- Impart free training to the instructors of the RDTC on a regular basis regarding the latest vehicle technologies.
- To bring in professionalism in the area of driver training.
- Design, develop and operate the institute on time line stipulated by the government
- Bring in new technology and modern tools and process Run the institute as a self sustainable mode
- Complete Administration and run the institute under the guidelines of the government
- Content development Procurement of equipments/ tools for running the institute
- Submit periodical progressive reports to the government.
- Install audit and review mechanism for quality assurance

Details of a Standard RDTCs are given at Annexure - II.

**Guidelines for the “Scheme for setting up of Driving Training Centres (DTC)”**

1. **Background:**
- A large number of road accidents are taking place on Indian roads every year resulting in the death of around one lakh fifty thousand persons. The causative analysis of various road accident studies carried out in the past shows that majority of road accidents occur due to driver’s fault. The
Report of year 2015 indicates that 78% of all road accidents were due to the fault of the driver. Despite having adequate provisions in C.M.V. Rules requiring good driving skills and knowledge of rules of the road among drivers, there has been laxity in strict enforcement of the same in grant of driving licenses. Moreover, observance of rules and safe driving are matters of habit and inculcation of a culture. It has been observed that there is an urgent need to impart driving training, both theoretical and practical to the existing and aspiring drivers. Need has also been felt for setting standards and monitoring of driving training and issue of Driving Licence based on an objective scientific process of testing skills.

- Government of India has been operating a scheme to set-up Institutes of Driving Training and Research (IDTR) and regional Driving Training Centres (RDTC). However, these centres require large tracts of land and as well as investment. To meet the wide spread need for training large number of commercial drivers, it is proposed to set up well equipped and competent Driving Training Centres (DTC) at district levels. Keeping in view the gap between demand and availability, it is important that at least one such centre is set-up in each district to provide quality training to the drivers of commercial vehicles.

- In view of the urgent need to meet the shortage of commercial drivers, the Motor Vehicles (Amendment) Bill, 2017 has provided for establishment of accredited driving training schools, which would be licenced by the state governments. The successful trainees from such schools will be exempted from the need of undergoing the driving tests for grant of licence. The waiting period of one year, stipulated for grant of a commercial driving licence after the grant of a permanent licence for personal vehicles, may also be waived for the successful trainees of such authorised training schools. The proposed Driving Training Schools, therefore, would help in providing quality training to the driving licence aspirants while assisting to reduce the shortage of drivers in the country. These schools would also help in strengthening the road safety.
2. **Name of the Scheme:**

This scheme shall be called as ‘Scheme for setting up of Driving Training Centres (DTC)’. The Scheme shall remain in operation till 31.03.2020.

3. **Scope/ Objectives of the scheme:**

   (i) To provide financial assistance to private participants for setting-up the Driving Training Centres.

   (ii) To provide quality training to commercial vehicle drivers to improve road and environment safety and strengthen overall mobility on roads.

4. **Concept:**

A Driving Training Centre is a skill development facility comprising of physical infrastructure requiring Capital Expenditure (CAPEX) for creation and development of necessary infrastructure. The infrastructure will be in form of land, building, driving testing tracks, vehicles, simulators and workshop, etc. The centre will require regular expenditure to carry its operations (OPEX) to manage its day-to-day operations and to provide for the manpower. The training programs will be compatible with the National Skill Qualification Framework (NSQF), notified by the Ministry of Skill Development and Entrepreneurship vide its Notification dated 27.12.2013.

5. **Infrastructure Requirements:**

About 2 acres of land, owned or leased, would be required to set-up a Driving Training Centre. The land will not count towards the Capital Expenditure of the Project. The Centre would be equipped with other infrastructure facilities, namely:

   (i) Two class-rooms with teaching aids like computers and Multimedia Projector for holding theory classes/ lessons on Traffic Rules and Regulations, Driving Procedures, Vehicle Mechanism, Public Relations and First Aid;

   (ii) Simulator(s) for both the classes of vehicles (LMV and HMV);

   (iii) Broadband connectivity including bio-metric attendance system;
(iv) Driving track to provide practice to the trainees for manoeuvring, parking, reverse driving, driving on slopes, etc.

(v) Two LMV/ HMV vehicles with dual control;

(vi) Workshop along with exhibits;

(vii) Toilets – separately for Men & Women;

(viii) Adequate staff resources in each category (Teaching staff, IT personnel, cleaning staff etc.)

(ix) Any other, as may be required.

6. **Operations and management of the Centre**

   - The Agency proposing to set up the Driving Training Centre will have to sign a tri-partite MoU with the State Transport Department and the MoRTH before the release of ‘on account’ advance. The MoU will include commitment from the State government to recognise the centre as an accredited establishment for the purposes of exemption from driving licence testing for granting commercial licence. The Centre will be run as an on-going concern without any financial support for its operations by MoRTH. However, there is no bar from seeking support under CSR from Corporate sector or under any other scheme of the Central or State Government. The Agency may charge appropriate fees for the training program.

   - The Centre will engage the services of qualified instructors to impart driving training. The curriculum and evaluation matrix for the trainees will be accordance with the SOP provided by the National Skill Development Council or any of the Sector Skill councils. The Centre will also have to sign a MoU with NSDC or any other Sector Skill Council engaged in driving training, before commencing its operations.

7. **Eligibility:**

   (i) Any entity such as a State Undertaking/ NGO/ Trust/ Cooperative Society/ Vehicle Manufacturer/ Firm etc. i.e. any legal entity registered under a State
or Central Government Law (hereinafter referred to as ‘Agency’) will be eligible to apply under the scheme. The other details are as under:

(a) If the applicant agency is an NGO, then it must be registered on DARPAN Portal of NITI Aayog. While submitting the proposal, the applicant agency shall quote a system generated Unique ID in their proposal. No member of the consortium will be the member of another consortium constituted for the same purpose.

(b) The agency must show the financial capacity to implement and operate the project as per the DPR to the satisfaction of the Ministry.

(c) The agency should be able to show/ establish experience or interest in the initiative.

(ii) The agency can also submit the application as a consortium, however, the number of members in any such consortium shall not be more than three. The applicant has to show its financial capacity to manage adequate resources to set up the project as per the DPR to the satisfaction of the Ministry.

8. **Financial assistance:**

One-time assistance to the extent of 50% of the project cost, subject to a maximum of Rs 1.00 crore, shall be admissible for setting up the Driving Training Centre. The operational expenses (OPEX) of the Centre shall be met by the Centre through its internal accruals or funding from non-governmental sources.

9. **Procedure for seeking assistance:**

(i) The agency desirous of setting up the Driving Training Centre shall prepare the DPR and submit the application in the format provided in Annexure ‘A’ along with a copy of the DPR. The DPR should be vetted by the National Skill Development Council (NSDC) or any other Sector Skill Council in respect of the infrastructure provisions and also a financial Institution, if the project is proposed to be funded through any institutional loan;
(ii) The Agency shall submit the proposal, duly endorsed by the District Collector to the Transport Commissioner of the concerned State. The Transport Commissioner of the State shall forward the proposal with an undertaking to accredit the Centre and exempt the successful trainees from the requirement of further testing for grant of licence as per Annexure ‘B’. The proposal shall be forwarded to the PMU established in the Ministry of Road Transport & Highways for the purpose.

(iii) The proposal received from the agency shall be scrutinized by the PMU.

(iv) A committee of MoRTH comprising of Director (Road safety), Dy. Financial Advisor, representative of ASRTU and SE (Road safety) shall review the proposals on a monthly basis. The appraised proposals shall be processed for release of grant, preferably within a month’s time.

10. **Release of financial assistance:**

Financial assistance under the Scheme shall be released in the following manner:

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Instalment</th>
<th>Condition</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>1st Instalment as ‘On account’ payment</td>
<td>Against BG for the amount</td>
<td>25% of the eligible grant amount</td>
</tr>
<tr>
<td>(ii)</td>
<td>2nd Instalment</td>
<td>On submission of UC of 25% of the Project Cost – duly certified by a Chartered Accountant</td>
<td>30% of the eligible grant amount</td>
</tr>
<tr>
<td>(iii)</td>
<td>3rd Instalment</td>
<td>On submission of UC of 60% of Project Cost duly certified by a Chartered Accountant</td>
<td>35% of the eligible grant amount</td>
</tr>
<tr>
<td>(iv)</td>
<td>4th Instalment</td>
<td>On commencement of operations of the Centre, subject to the same being by December 2019.</td>
<td>10% of the eligible grant amount</td>
</tr>
</tbody>
</table>
11. **Time-lines for Receipt of Applications and Completion of the Projects:**

(i) The Scheme shall remain in operation till 31.03.2020. As such, it shall not be feasible to release any financial assistance after 31.03.2020 under this Scheme.

(ii) The successful applicant will be required to complete the project and operationalize the same before 31.12.2019 in order to avail of the full eligible grant amount.

(iii) The last date for receipt of first set of applications shall be 30th April, 2018. Approvals for the eligible project applications will be decided in these cases by 31.05.2018.

(iv) Thereafter, applications may be submitted on an on-going basis, which shall be considered and decided on a quarterly basis.

(v) Given the project implementation period of about one year, the last date of receipt of complete applications under the Scheme shall be 30th November 2018.

12. **Allied activities:**

Subject to availability of land and required infrastructure, the agency may also use the facility for provision of other allied activities, such as, establishment of Automated Vehicle Testing Centre, ‘Pollution Under Check’ facility at the same premises in order to improve the financial viability of the project, at his own cost so long as these facilities do not in any manner compromise with the main objective of the Scheme. However, establishment of any such additional facilities will not form a part of the Central assistance under the Scheme.

13. **PMU for the Scheme:**

The Scheme shall be administered through a PMU to be set-up in MoRTH, for which resources may be hired/ taken on deputation from agencies such as ASTRU, CIRT or any other source, with the caveat that the total
expenditure on the PMU shall be managed within 3% of the amount earmarked for the Scheme.

14. **Other conditions:**

(i) The Ministry shall provide grant of 50% of the project cost subject to a maximum of Rs. 1.00 Crore for setting up of Driving Training Centre by any NGO/ Trust/ Cooperative Society/Vehicle Manufacturer or any other legal entity registered under a State or central law (referred to as ‘Agency’).

(ii) Land for the Driving Training Centre shall be arranged by the Applicant Agency, which may be acquired on free-hold basis or on long lease for a period of at least 10 years, with inbuilt provisions for further extension of the lease period. The cost of the land will not be added in the project cost. The land should be free from all encumbrances.

(iii) PMU/MoRTH shall examine the applications and determine the eligibility of proposals within fifteen days of its receipt. The eligible proposals shall be sanctioned and conveyed to the applicant. The applicant will be required to obtain Bank Guarantee (valid for a period of one year) equal to the amount of first instalment and the first instalment of on account advance shall be released within a period of 7 working days from the date of submission of BG. The Agency will have to register itself with the Public Funds Management System (PFMS) for release of grant by the MoRTH.

(iv) Priority shall be accorded in the first instance for sanctioning one project per district. However, more than one project can be considered for approval for a district with population exceeding 20 lakh if proposals from other districts are not forthcoming.

(v) Except in the case of OEMs and State Public Undertakings setting up such facilities, the maximum number of projects submitted by one agency/ consortium shall not be more than five in one State.
(vi) The capital component of the proposal may include modern equipment such as innovative driving test system (IDTS) using Radio Frequency Identification (RFID) tags or video recording, simulators, computers and other modern aids.

(vii) The proposal should also envisage self-sufficiency in meeting the recurring/operational expenditure as this shall not be provided by the MoRTH.

(viii) In case the Agency is availing grant under a National Skill Development Programme such as Pradhan Mantri Kaushal Vikas Yojana, the fee charged for the training program shall be in sync with the fee structure notified by Ministry of Skill Development and Entrepreneurship.

(ix) The training courses will be compliant with the notification dated 27.12.2013 of National Skill Qualification Framework (NSQF).

(x) The above Centres shall submit half-yearly performance reports to MoRTH. Which shall be responsible for preparation of consolidated performance report on the subject.

(xi) The Centres under the scheme must follow Standard Operating Procedure (SOP) i.e. Prescribed curriculum, Aadhaar based biometric attendance, qualified instructors, e-payment, real time evaluation, contract with logistics/aggregators for placement, online evaluation process.

2.2.5 Financial assistance for administering Road Safety Advocacy and Awards for the outstanding work done in the field of Road Safety

1. Background

- Road safety is a complex issue of concern, considering its magnitude and gravity and the negative impacts on the economy, public health and the general welfare of the people, particularly those with low income. Although various road safety improvement programs are being implemented, these have not had the required impact, and the number of
road accidents and fatalities continue to rise. With motorization witnessing a 10% compound growth every year and expanding road network, travel risks and traffic exposure grow at a much faster rate. Today, road traffic injuries are one of the leading causes of deaths, disabilities and hospitalizations, with severe socio-economic costs across the world.

- The main thrust of accident prevention and control across the world has been on 4 E’s, vis. (i) Education, (ii) Enforcement, (iii) Engineering and (iv) Environment and Emergency care of road accident victims. The Government of India has been focusing on all these four approaches in its policies and programmes. For promoting the awareness about road safety, Ministry of Road Transport & Highways has decided to associate Non-Governmental organizations (NGO). The NGOs may undertake activities for creating road safety awareness among citizen.

- It is necessary to ensure active participation of all stakeholders viz. State Governments, Corporate houses, Auto industry and their associations, Universities, institutions, Non-Governmental Organizations and the society at large to improve the Road Safety scenario. Many NGOs, Trusts, Societies etc. are working tirelessly for the cause of road safety in the Country. There is a need to recognize the outstanding contribution in the field of road safety especially in propagating road safety measures and encouraging their adoption.

- It is in fulfillment of the above objectives that the Ministry of Road Transport & Highways proposes to provide financial assistance to various agencies engaged in the activities to propagate road safety messages among citizens and recognize those making positive contribution in the field of road safety with some awards.

2. **Name of the Scheme:**

   This scheme shall be called as the “Scheme for grant of financial assistance for administering Road Safety Advocacy and awards for the outstanding work done in the field of Road Safety”. The Scheme shall remain in operation till 31.03.2020.
3. **Scope/ Objectives of the scheme:**

   (iii) To provide financial assistance to Non-Governmental Organisations (NGOs) / Trusts / Cooperative Societies and other agencies for administering road safety programmes to create awareness about road safety.

   (iv) To give awards to NGOs/ Trusts/ Cooperative Societies etc. for their outstanding work done in the field of road safety.

4. **Concept:**

   The past experience of working with NGOs/ Trusts/ Cooperative Societies in the field of road safety shows that these are necessary supplement and extension to the governmental efforts. Extensive efforts are required to be made focusing on diverse aspects of road safety to sensitise the road users about safe road usage. The limited machinery available with the government agencies falls short of the job at hand and may not be able to handle such efforts. The charitable organisations cumulatively have broader access across the country. Many of these organisations are regularly involved in propagation of a variety of social causes and road safety is a prominent cause amongst them. These agencies can help expand project uptake and outreach and can facilitate greater awareness of road safety issues. In view of this, Ministry of Road Transport & Highways proposes to associate these agencies for taking forward the road safety programmes and recognize their outstanding work in the field of road safety through institution of awards.

5. **Eligibility:**

   (i) Any NGO/ Trust/ Cooperative Society/ Firm etc. i.e. any legal entity registered under a State or Central Government Law (hereinafter referred to as ‘Agency’) will be eligible to apply under the scheme. The other details are as under:

   (a) If the applicant agency is an NGO, then it must be registered on DARPAN Portal of NITI Aayog. While submitting the proposal, the applicant agency shall quote a system generated Unique ID in their proposal.

   (b) The agency must have the financial capacity to carry out the programme without seeking any advance from the Ministry.
6. **Financial assistance:**

The total amount of financial assistance for administering a road safety programme shall not exceed Rs. 5.00 lakh (Rs. five lakhs only). An agency can apply for multiple programmes, subject to a maximum of 12, to be conducted in a year. However, the funds shall be released only after the successful completion of the programme.

7. **Procedure for seeking assistance:**

(v) The Ministry shall establish a PMU in the Road Safety Cell for the purpose of implementing the scheme.

(vi) The agency desirous of administering the road safety programme shall prepare and submit the proposal in the format provided at Annexure ‘A’;

(vii) The proposal received from the agency shall be scrutinised by the PMU.

(viii) A representative of Ministry or any organisation authorised by the Ministry may be present during the programme.

(ix) A committee of MoRTH comprising of Director (Road safety), Dy. Financial Advisor, Advisor (Road Safety) and SE (Road safety) shall review the proposals on a monthly basis. The approval shall be communicated for the eligible proposals after appraisal.

8. **Subject of the activities to be undertaken:**

The proposal may be relating to the relevant activities/programmes including the following subjects:

(i) Raising road safety consciousness among the road users;

(ii) Organisation of camps for vision testing/distribution of spectacles for the drivers of Commercial vehicles;

(iii) Publicity Campaign on road safety;

(iv) Sponsoring/financing of publication of popular literature on road safety;
(v) Organizing quiz competitions, essay competitions, painting competitions, for school/college students;

(vi) Cultural activities/ events promoting road safety, such as puppet shows/plays etc;

(vii) Organizing seminars on subjects like ‘Don't over-speed’, ‘Don't drink & Drive’, ‘follow lane discipline’, ‘be alert on road’, ‘helmet usage’, ‘seat belt usage’;

(viii) Good Samaritans

Note: The above list is indicative and an individual organization is free to submit suitable proposals keeping in view the essential objective of improving Road Safety in the country).

9. Release of financial assistance:

Financial assistance under the Scheme shall be released in the following manner:

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Instalment</th>
<th>Condition</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>No Advance payment will be released.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td>Release of amount</td>
<td>(i) After completion of the programme, the agency shall claim reimbursement of the expenditure, subject to a maximum of Rs 5.00 lakh. The claim shall be filed within one month of the completion of the programme. (ii) The claim shall be supported with detailed expenditure duly certified by a Charted Accountant and other documentary evidence including photographs, video recording showing the highlights of the programme. (iii) The genuineness of the claim will be certified by the PMU or any other organisation nominated by the Ministry. An amount of Rs. 20,000/- shall be payable towards meeting the expenditure involved for certification of each programme. (iv) The funds will be transferred directly to the bank account of the agency through PFMS after certification of the programme.</td>
<td></td>
</tr>
</tbody>
</table>
10. **Time-lines for Receipt of Applications and Completion of the Projects:**

(vi) The Scheme shall remain in operation till 31.03.2020. As such, it shall not be feasible to release any financial assistance after 31.03.2020 under this Scheme.

(vii) The agency will be required to complete the work before 31.12.2019 in order to avail of the full eligible grant amount.

(viii) The applications may be submitted on an on-going basis, which shall be considered and decided on a monthly basis.

(ix) Given the project implementation period of about three years, the last date of receipt of complete applications under the Scheme shall be 30th September, 2020.

11. **Scheme for grant of Award to the Agencies involved in Road safety advocacy and allied activities:**

Ministry of Road Transport & Highways shall give three awards (first, second and third) in each State/UTs to the individuals or agencies engaged in road safety advocacy and allied activities to recognise the outstanding work carried out by them. The details of awards are as follows:

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1st prize</td>
<td>Rs. 5 lakh + Certificate</td>
</tr>
<tr>
<td>2</td>
<td>2nd prize</td>
<td>Rs. 2 lakh + Certificate</td>
</tr>
<tr>
<td>3</td>
<td>3rd prize</td>
<td>Rs. 1 lakh + Certificate</td>
</tr>
</tbody>
</table>

12. **Procedure for Selection:**

The awards shall be given for the calendar year. The Individuals and Agencies shall file nomination for the award to the Transport Commissioner of the State by the end of February in the following year. The State can also nominate any agency/individual on its own if it is of the opinion that such an agency/individual has done commendable work in the field of road safety. The Transport Department of State/UT will recommend the names
of maximum five Agencies to Ministry of Road Transport & Highways as per the format prescribed in Annexure ‘B’. The last date for receipt of the nominations from the states shall be 31st March, in respect of the outgoing calendar year.

13. **Constitution of Jury**

The Ministry of Road Transport & Highways will constitute a Jury to consider the recommendations received from the States / UTs for road safety awards. The Jury shall comprise of noted experts working in the field of road safety and other experts working on social issues. The recommendation of the Jury will be placed before the Hon’ble Minister for approval.

14. **Date of Awards**

The awards will be given away on a date, time and venue to be decided by Government of India.

15. **Reimbursement of TA/ DA**

The awards may be received by the Individual or the authorized representative of the selected agency. The outstation winners will be reimbursed a lump-sum amount of Rs 20,000/- to meet the costs towards travel and accommodation.

16. **PMU for the Scheme:**

The Scheme shall be administered through a PMU to be set-up in MoRTH, for which resources may be hired/ taken on deputation from agencies such as ASTRU, CIRT or any other source, with the caveat that the total expenditure on the PMU shall be managed within 5% of the amount earmarked for the Scheme. This shall also cover the cost towards verification of the genuineness of the claims for conduct of the road safety programmes by agencies.
2.2.6 Establishment of inspection and Certification Center for Motor Vehicle

Each year nearly one million people die worldwide in traffic accidents; approximately 23-24 million people suffer injuries. During period of 1986-1995 the road traffic toll in Asia alone has increased by 40%. The precarious situation of road worthiness also affects. Unfortunately at present, there is no awareness of this problem’s size and danger in many countries and thus there is an urgent need to find out sustainable solution to this situation.

An increasing number of vehicles in developing countries like India are not in a roadworthy state. Poor maintenance and servicing of old in use vehicles not only damages the environment but also poses great safety hazard on road. The compliance with limits or standards of vehicles exhaust emissions for air quality improvement purpose is directly dependent on the implementation and / or enforcement of effective vehicle inspection system. Due to the rapid increase in public means of transportation, the improvement of vehicle performance capability and servicing becomes an ever increasing urgency. An effective air pollution control and thus, a decrease of vehicles emissions, improvement of roadworthiness can be achieved by the implementations of an effective vehicle inspection system.

The Ministry of Road Transport & Highways therefore proposes to set up one odel Inspection & Certification Centre in each State/UT with Central assistance. During 11th Plan, MoRTH sanctioned 10 Centre for setting up one each in the State of Andhra Pradesh, Karnataka, Gujarat, Maharashtra, Rajasthan, Himachal Pradesh, Haryana, Madhya Pradesh, U.P and Delhi.

With the fast growing economy, the vehicle population in India has grown rapidly. The Government of India enforced the motor vehicle emission standards in India from year 1991 and has been since updating the emission and safety norms for new vehicles. Each prototype vehicle is subjected to extensive laboratory testing for the design approval called Type approval, before these are introduced in the market. Thereafter, the vehicles produced by the vehicle
manufacturer are randomly selected from the production line and subjected to emission performance test and verified against the type approval, called as ‘Conformity of Production’. To meet these stringent emissions standards with respect to Type approval and Conformity of Production, vehicle manufactures have upgraded the technology of the vehicles. Though the Indian safety and emission standards were introduced for the new vehicles, there is no commensurate improvement noted in ambient air quality levels and reduction of road related accidents.

2.2.7 108 Ambulance Service under NHM Scheme (Health and Family Welfare Ministry)

The issue relating to the deployment of ambulances on National Highways and their performance has been discussed by Hon. Minister (RTH&S). A presentation on the appraisal of the scheme for cashless insurance was also made before the Hon. Minister (RTH&S). Hon. Minister (RTH&S) desired that Ministry should try to provide for deployment of effective victim assistance system in case of road crashes on NHs. At present, the concessionaires of NHAI are required to maintain ambulances on the segments of the NHs to provide quick assistance to the victims. As per information provided by NHAI, there are about 88 ambulances deployed on NHs under O&M and OMT schemes. In addition, there are ambulances maintained by BOT concessionaires. The details are placed on the file (Flag-A).

An appraisal conducted by PGI, Chandigarh about the cashless insurance scheme has indicated that although the ambulances stationed on NHs play a very important role but their utilization due to the nature of services provided, is very low. In addition, the State Governments have also operational ambulance services (under 108) which are popular and have a better utilization. To take a further call in the matter, it would be appropriate to ask NHAI to conduct a review of performance of ambulances on the NHs. After the review, policy may be evolved for providing victim assistance on the NHs in consultation with Ministry of H&FW and the State Governments.
PRESENT SCENARIO IN EMERGENCY SERVICES

As per WHO guidelines, ambulance deployment may be done per lac Population basis considering the need of particular region or state (like hilly state, metro cities ) addition to it Ambulance utilize for road are categorized as below (with short work profile /definition ):

A. **PTA- Patient Transport Ambulance** - It is transporting ambulance in Non-Emergency but Important situation for patient from Home/ incidence to Hospital Care or vice-a-versa. (approx. 40% of total Ambulance of District) Including 102/104 ambulance.

Staff Required - 1 Driver (in case of need 1 EMT-B with online medical instructions provide to Team PTA)

B. **BLS- Basic Life Support** - these type of ambulances required to provide basic life supper to save live and transport to higher hospital care. (Approx. 30%of total Ambulance in a District)

Staff required - 1 EMT-A, 1 Driver and provide them online medical instructions to Team BLS if needed.

C. **ALS- Advance Life Support** - these ambulances required to life from life and death situation of needy. They first style the patient and transport it for appropriate tertiary hospital care. (Approx. 25% of total Ambulance in a District)

Staff Required - 1 Doctor, 1 Nurse/Emergency Astt., 1 Driver and provide the online medical instructions to Team ALS if needed.

D. **MMU- Mobile Medical Unit Ambulance** - It is multipurpose ambulance, which provide basic OPD needs of locals where no or very less basic hospital care reach the population, generally it used to conduct various camps in village level or in hilly areas at each Tehsil ( in rest of 5% of total Ambulance)

Staff - 1 Doctor, 1 Nurse, 1 Pharmacist, 1 Driver required.

E. **ATS- Advance Trauma Support Ambulance** - It is deployed on Expressways, National Highways only where MVA multiple vehicle accidents are happening.
It may separate stream of ambulances including 1033, staff required - 1 Doctor, 1 Nurse, 1 EMT-A, 1 Pharmacist, 1 Driver

F. **DSA**- Disaster Support Ambulance- In case disaster these type work proficiently linking with other ambulances. (Approx. Per 10-12 lac Population for metropolitan cities or at each District one) Staff required - 1 EMS super specialist, 2 Doctor, 3 EMT-A, 1 Pharmacist, 1 Driver, 3 Rescuer.

G. **MBS**- Motor Bike Ambulance used in metropolitan cities to deal with traffic and it settled patient and continued treatment till further Transportation help come.

Staff-1 Doctor who is able to drive a bike loaded with necessary Emergency kit.

2. **Qualification of Staff**-

A. Super specialist- MBBS and PG EMS.

B. Doctor - BAMS/BHMS who are certified and trained with EMS (like EMT-A)

C. EMT-B - certified as basic emergency medical technician

D. EMT-A - certified as Advanced emergency medical technician

E. Nurse - certified ANM/GNM

F. Pharmacist - D/B pharmacy

G. Driver - 7th pass who can understand and certified with first responder training.

H. Rescuer - specialist and certified as Rescuer (12th + Rescuer Course)

108 ambulance service is predominantly an emergency response system designed to attend patients of critical care, trauma and accident victims etc. 7661 ambulances are being supported under National Health Mission.
102/104 ambulance services consist of basic patient transport aimed to cater the needs of pregnant women and children through other categories are also taking benefit of this service. This service provides free transfer from home to the facility, inter facility transfer in case of referral and drop back for mother & child.

2.2.8 Pollution and Road Safety Equipment Scheme

Road safety equipments like inspector are provided to states / union territories for enforcement an implementation of various rules as regulations relating to road safety. A sustainable transport system must provide mobility and accessibility to all urban residence in a safe environment friendly mode of transport.

2.2.9 PM National Skill Development Scheme for Drivers Training

All information contained in this Expression of Interest (EoI), subsequently provided / clarified, is in good interest and faith. This is neither an agreement nor an offer/ invitation to enter into an agreement of any kind with any party. Each applicant should conduct its own investigation and analysis and check the accuracy, reliability and completeness of the information in this EoI. Applicants should make their own independent investigation in relation to any additional information that may be required.

NSDC reserves the right to cancel this request for EoI and/ or invite the same afresh with or without amendments to this request for EoIs, without liability or any obligation for such request for EOI and without assigning any reason. Information provided at this stage is merely indicative.

2.2.10 Make in India Scheme

Make in India Scheme for Road

1. USD 8.21 billion outlay planned for highways during 2016-17. In addition, NHAI has been authorised to generate Internal & Extra Budgetary Resource (IEBR) of USD 8.85 Billion during 2016-17. NHAI shall raise its resources under IEBR through 54 C Bonds, Tax Free Bonds and others as approved by the Ministry of Finance.
2. USD 22.6 billion budgetary support for central road sector development during 2012-17.

3. 5.23 million kms of roads and highways in the country.

4. 1.01 million kms of National Highways.

5. Ministry of Road Transport & Highways (MoRTH) aims to expand the National Highway network to 0.2 million kms over the next 4-5 years. MoRTH has so far approved in-principle about 38,750 kms of State roads as new NHs subject to outcome of their detailed project reports (DPRs). Further, about 14,000 kms of additional State road stretches are proposed to be upgraded under the "Bharatmala Pariyojana".

6. The type of PPP project implementation models used in the highways sector are Build Operate Transfer (BOT) Toll, BOT (Annuity) and the Hybrid Annuity Model (HAM).

7. The implementation agencies of MoRTH include the following:
   - National Highways Authority of India (NHAI)
   - State/UTs PWD (Public Works Department)
   - National Highway and Infrastructure Development Corporation Limited (NHIDCL)
   - Border Roads Organisation (BRO)

1. The transport sector contributes 6% of the country's GDP with road transport having around 70% share. More than 60% of freight and 90% of the passenger traffic in the country is handled by roads.

2. Highway traffic in the country is on a growth trajectory. Overall annual freight traffic in the country is estimated to reach around 13,000 billion tonne km (btkm) by 2030 from about 2,000 btkm in 2011-12. Overall annual passenger traffic is estimated to reach around 168,000 billion passenger km (bpkm) by 2030 from about 10,000 bpkm in 2011-12. For both of the above, road transport is likely to cater to around 50% of traffic.
3. The Government of India has launched major initiatives to upgrade and strengthen highways and expressways in the country including enabling policy measures. MoRTH awarded the highest ever kilometres of new highways in 2015.

4. In addition to highway development, focus is also on efficient operations & network management for improving logistics efficiency. This shall give rise to new investment opportunities.

5. MoRTH is implementing enabling measures like setting up of model driving training institutes for drivers of Heavy Vehicles. These schools will further help in streamlining the process of obtaining licenses. In addition, MoRTH envisages training of 20,000 construction workers such as pavement technicians, masons, carpenters, reinforcement technicians each year.

6. Fiscal incentives for the sector
   - 100% FDI through automatic route allowed subject to applicable laws and regulation.
   - Right of way (ROW) for project land made available to concessionaires free from all encumbrances.
   - NHAI/GOI to provide capital grant (Viability Gap Funding/Cash Support) up to 40% of project cost to enhance viability on a case to case basis.
   - 100% tax exemption for 5 years and 30% relief for next 5 years, which may be availed of in 20 years.
   - Duty free import of modern high capacity construction equipment.

**Make in India Scheme for Automobile**

- Sixth largest producer in the world with an average annual production of 24 million vehicles in 2016.
- India has the fifth largest passenger vehicle and commercial vehicle market
- Presence of four large auto manufacturing hubs across the country: Delhi-Gurgaon-Faridabad in the north, Mumbai-Pune-Nashik-Aurangabad in the west, Chennai- Bengaluru-Hosur in the south and Jamshedpur-Kolkata in the east.
• Contributes to 7.1% of India’s Gross Domestic Product (GDP) by volume.

• Six million-plus hybrid and electric vehicles to be sold annually, by 2020.

• Two-wheeler production has grown from 8.5 million units annually to 15.9 million units in the last seven years.

2.2.11 Faster Adoption and Manufacturing of (Hybrid &) Electric (FAME) Vehicles in India Scheme

The financial incentive component of NEMMP, the FAME scheme seeks to incentivize the purchase of electric and hybrid vehicles. The focus is to aid different aspects of EV including technology, demand incentives, charging infrastructure, pilot projects & operations. In the bus category, incentives have only been projected for hybrid vehicle technologies. The scheme, based on TCO approach, makes specific calculations on the viability gap to be accounted for adoption of battery electric buses.

Key takeaways

The central government has launched the Faster Adoption and Manufacturing of Hybrid and Electric vehicles/FAME scheme under the National Mission for Electric Mobility

• This scheme is for boosting sales of eco-friendly vehicles in the nation.

• This scheme involves the provision of INR 795 crores support till the year 2020 for the manufacture as well as sale of electric and hybrid vehicles

Features of Faster Adoption and Manufacturing of Hybrid and Electric vehicles (FAME)

• This scheme involves provision of demand incentives to electric as well as hybrid vehicles ranging from buses to two wheelers in the cost bracket of INR 1800 to 66 lakh.

• The key focus of the scheme is on the development of technology, demand creation, pilot projects and enhancement of charging infrastructure.
• Based on the technology, scooters and motorcycles which are operated via batteries will be able to demand incentives from INR 1800 to 29,000.

• For three wheelers, the incentives will range from INR 13,000 to 1.38 lakh rupees

• Incentives are from INR 17,000 to 1.87 lakh rupees for Light Commercial Vehicles/LCV; for buses, the incentive ranges from INR 34 to 66 lakh.

• The nodal department for this scheme is the Department of Heavy industries.

Features of National Electric Mobility Mission Plan 2020

• The National Electric Mobility Mission Plan 2020 has been launched in 2013

• This plan aims to attain national fuel security through promotion of sale of hybrid and electric vehicles in the nation

• The plan has a target of attaining 6 to 7 million sales of hybrid and electric vehicles 2020 onwards

• This plan provides fiscal and monetary incentives to jumpstart nascent technology

• The cumulative sale of such vehicles is aimed to reach 15 to 16 million with the aid of the government

• The plan will also save 9500 million litres of crude oil saving a sum of INR 62000 crore

• The Faster Adoption and Manufacturing of (Hybrid &) Electric Vehicles (FAME India) was launched under NEMMP 2020 in the Union Budget for 2015-16 with an initial outlay of INR 75 crore

• The FAME scheme will ensure that electric and hybrid vehicles will replace conventional vehicles there by reducing liquid fuel consumption in the nation from the automobile sector
2.2.12 National Accreditation Board of Education and Training (NABET) Scheme and Quality Control of India (QCI) Scheme for Certification of Person as per ISO

Various Certification Schemes under SBDCS

- **Scheme Name:** Driver Certification Scheme (DCS) for School Bus / Motor cabs / Maxi-cabs / Omni buses etc.

- **Scope of certification:** To certify a candidate with respect to his competency in carrying out Basic level oh SCHOOL BUS DRIVER covering the following...
  
  o Working safely
  
  o Driving technique
  
  o Soft skills /Behaviour skills
  
  o Driving safety

- **Job and task description:** The candidate should be able to make out instant decision candidates should have basic knowledge of traffic rules, should have licences, and should be patient and Indian citizen. He should also have knowledge of repairing a school bus in case of minor failure.
  
  - Safe Driving of the school bus to destination
  
  - Pre-service instruction shall include, but not be limited to the following.
  
  - Understanding and application of Motor vehicle act, rules and regulations governing the proper operation of a school bus.
  
  - To handle emergencies such as fire, accidents, and adverse weather conditions.
  
  - To perform basic pre-trip and post-trip safety inspections of their vehicle.
  
  - Basic concepts of pupil control and discipline.
  
  - Role in promoting safe fleet performance.
• Necessary record keeping procedures for driving a school bus as required by these rules and driver’s employer.

• **Required Competence:** He should be able to do all time work related to bus like driving, picking of students and reaching on time, maintenance of bus efficiently.

➢ **Certification schemes include the following certification process requirements:**

• **Criteria for Initial Certification and Recertification**
  
  ▪ For getting certified the person should first get enrolled in the Certification scheme. After getting enrolled he/she will directly appear in the exam. We will only conduct exam they have to give exam and clear the exam which will include theory, practical and soft skills. For clearing exam the candidate should score minimum 75% marks.

  ▪ For the recertification the candidate should only have to give the exam and clear it.

• **Surveillance Methods and Criteria**
  
  ▪ There are no surveillance methods. How wherever feedback for a interested parties, any accident, Mail practices etc. Shell be consider for review of certification status.

• **Criteria for Suspending and Withdrawing Certification**

  Criteria for suspending and withdrawing certification are

  ▪ If he found involved in any crime or any misbehaviour with the people.

  ▪ If the driver does any accident then there is a possibility that his license may be withdrawn.

  ▪ Suspending pried whod be for 3 monthly and it candidate does not able to justified this point of view. Then the certification are the withdrawing.
Criteria for Changing the Scope or Level of Certification

Criteria for changing the scope or level of certification are

- For changing the scope or upgradation of the certification there will be advance Skills of driver and changing the laws and technology for it.
- The candidate will have to give of advance level and will have to clear the exam again. Then only they will be provided certificates for advanced level.

2.2.13 HMV Driver Training Scheme by MoRTH

This Ministry has a scheme named “Two days refresher training to HMV drivers in unorganized sector” under which refresher training courses are conducted at various driving training institutes which have been set up by this Ministry in different States/UT’s.

This programme intends to cover the target group of heavy motor vehicle drivers who account for more than 80% of road accidents in this country. This programme also gives an opportunity for the drivers to have an insurance and a medical checkup during the training. Besides, this scheme aims to:

a) Educate / Motivate the target group of drivers to inculcate safe driving habits:

b) Acquaint the group participants with the rules of the road, understand and follow the road signs and signals, road markings as well as rules and other provisions of law scrupulously;

c) Keep the vehicle in a road worthy condition, specially the critical parts of the vehicle namely brake system, steering system, electric system tyres, etc.

d) Take other precautionary measures.

Up to 2009-10, this Ministry was considering NGOs and Automobile companies for conducting the training under the scheme. Working with NGOs has not been a great experience for this Ministry as the performance of the NGOs was
not at all satisfactory. However, the performance of the automobile association’s was considered acceptable and satisfactory. Following which, it was decided during 2012-13 that it would be better to carry out such trainings through various driving training institutes that have been set up by MoRTH at different locations of India.

From our past experience, it has been observed that it may be easier to achieve the desired target of skilling more and more people under this scheme by including private sector institutions which have the experience of providing training to vehicle drivers. It was decided to provide two days refresher training through Driving training institutes/IDTR such as DTI, Vijayawada, DTI and IDTR being managed by Ashok Leyland, IDTR / DTI being managed by M/s Maruti Suzuki, State Institute of Automotive & Driving skills (set up Punjab Govt.) being managed by Tata Motors.

2.3 ROAD SAFETY STANDARDS

2.3.1 Global and European Standards for World Forum for Harmonization of Vehicle Regulation

In existence for more than 50 years, and with participants coming from all over the world, especially the main motor vehicle producing countries, the World Forum for Harmonization of Vehicle Regulations (WP 29) offers a unique framework for globally harmonized regulations on vehicles. The benefits of such harmonized regulations are tangible in road safety, environmental protection and trade. WP.29 is a permanent working party in the institutional framework of the United Nations with a specific mandate and rules of procedure. It works as a global forum allowing open discussions on motor vehicle regulations. Any member country of the United Nations and any regional economic integration organization, set up by country members of the United Nations, may participate fully in the activities of the World Forum and may become a contracting party to the Agreements on vehicles administered by the World Forum. Governmental and non-governmental organizations (NGOs) may also participate in a consultative capacity in WP.29 or in its subsidiary working groups.
The World Forum convenes officially three times per year and entrusts informal groups with specific problems that need to be solved urgently or that require special expertise. More than 120 representatives participate at the sessions of the World Forum. The work of the World Forum is transparent: All agendas, working documents and reports are openly accessible on the Internet website of the World Forum.

The UNECE Transport Division has been providing secretariat services to the World Forum for Harmonization of Vehicle Regulations (WP.29) for more than 50 years. The World Forum has incorporated into its regulatory framework the technological innovations of vehicles to make them safer and more environmentally sound. In addition to acting as secretariat to the World Forum, the Vehicle Regulations and Transport Innovations section serves as the secretariat of the Administrative Committee for the coordination of work, and of the Administrative/ Executives Committees of the three Agreements on vehicles administered by the World Forum. The 1998 Agreement is the legal framework for the development of global technical regulations for vehicles and their components, with the aim of increasing their active and passive safety, reducing emissions and improving security (anti-theft) performance.

The World Forum for Harmonization of Vehicle Regulations (WP.29) is the body that administers the 1998 Agreement. To date, sixteen global technical regulations have been adopted in the framework of the 1998 Agreement. They address inter alia motorcycle brake systems, head restraints, electronic stability control systems, pedestrian safety and tires. Areas of current work on global technical regulations include electric vehicles, emission tests and quiet road transport vehicles.

The accession of Belarus will bring the total number of Contracting Parties to the 1998 Agreement to 35. At present, Contracting Parties include Australia, Azerbaijan, Canada, China, the European Union, India, Japan, Kazakhstan, Republic of Korea, Malaysia, New Zealand, Russian Federation, South Africa, Tajikistan, Tunisia, Turkey, USA and many other European States.
UN Agreements on motor vehicles is crucial: the 1958 and 1998 Agreements on regulations for the construction of new vehicles, including performance requirements and the 1997 Agreement on rules for periodical technical inspections of vehicles in use. WP.29 ensures consistency between the regulations and rules developed in the legal framework of these three UN Agreements.

The 1958 Agreement provides the legal and administrative framework for establishing international UN Regulations (annexed to the Agreement) with uniform performance oriented test provisions, administrative procedures for granting type approvals, for the conformity of production and for the mutual recognition of the type approvals granted by Contracting Parties. When acceding the Agreement, a Contracting Party is not obliged to apply all the UN Regulations annexed to the Agreement: it may choose, if any, which Regulation it would like to apply. The 1958 Agreement currently has 50 Contracting Parties and 127 UN Regulations annexed to it. The UN Regulations are continuously adapted to the technical progress, whenever appropriate, to take into account technical and political guidance from the Contracting Parties, the evolution of scientific knowledge and technological progress.

2.3.1.1 The 1958 Agreement

The 1958 Agreement was done on 20 March 1958, entered into force on 20 June 1959, amended on 10 November 1967, and revised on 16 October 1995. The Agreement provides procedures for establishing uniform prescriptions about new motor vehicles and motor vehicle equipment and for reciprocal acceptance of approvals issued under UN Regulations annexed to this Agreement. UN Regulations adopted by Contracting Parties to the 1958 Agreement pursuant to the Agreement govern the approval of motor vehicles and motor vehicle equipment for sale in those countries. The Agreement addresses safety requirements, environmental (air and noise pollution emission), energy and anti-theft prescriptions.

Currently, reciprocal recognition under the Agreement applies to vehicle systems, parts and equipment, not to the entire vehicle. In March 2010, the World
Forum WP.29 launched the International Whole Vehicle Type Approval (IWVTA) project, and established an informal working group with terms of reference for 2010–2016. In addition to the work linked to the IWVTA concept, the informal working group will also inventory the items of the 1958 Agreement which need to be revised or complemented. The 1958 Agreement currently has 50 Contracting Parties, of which 41 are European UNECE member countries. Other Contracting Parties include the European Union (Regional Economic Integration Organization), Japan, Australia, South Africa, New Zealand, Republic of Korea, Malaysia, Thailand and Tunisia. Chart 2 lists the Contracting Parties to the Agreement and the date of adhesion or accession to the Agreement by those Parties.

The Agreement has 127 UN Regulations annexed to it. These UN Regulations govern all categories of road vehicles and non-road mobile machinery and their equipment and parts, and have been adopted to varying degrees by the Contracting Parties. The reciprocal recognition of type approvals among Contracting Parties applying the UN Regulations has facilitated trade in motor vehicles and equipment throughout Europe first and worldwide today. More specifically, in recent years, the European Union (EU) has decided to replace as many EU directives as possible by the 1958 Agreement UN Regulations, and to make direct reference to these UN Regulations in the EU administrative body. For the complete text of the 1958 Agreement, please refer to Annex II.

2.3.1.2 The 1998 Global Agreement

The 1998 Global Agreement was negotiated and concluded under the auspices of the UNECE, under the leadership of the European Community, Japan and the United States of America. It was opened for signature on 25 June 1998 and the United States of America became the first signatory. The Agreement establishes a process through which countries from all regions of the world can jointly develop UN Global Technical Regulations (UN GTR) regarding the safety, environmental protection systems, energy sources and theft prevention of wheeled vehicles, equipment and parts. The covered equipment and parts include, but are not limited to, vehicle construction, exhaust systems, tyres, engines, acoustic
shields, anti-theft alarms, warning devices, and child restraint systems. The ultimate goal of the 1998 Agreement is to continuously improve global safety, decrease environmental pollution and consumption of energy and improve anti-theft performance of vehicles and related components and equipment through globally uniform technical regulations. This shall be done whilst providing a predictable regulatory framework for a global automotive industry and for the consumers and their associations. Unlike the 1958 Agreement, the 1998 Global Agreement does not contain provisions for mutual recognition of approvals, thereby allowing countries which are not ready or are unable to assume the obligations of reciprocal recognition to engage in an effective way in the development of UN Global Technical Regulations, regardless of the type of compliance and enforcement procedures of those countries. For the complete text of the Agreement, please refer to Annex III. The 1998 Agreement entered into force on 25 August 2000 for eight Contracting Parties and it has currently 33 Contracting Parties. Chart 3 lists the Contracting Parties to the Agreement and the dates of adhesion or accession and entry into force of the Agreement by those Parties. India (Accession) 21 February 2006 (Entry into force) 22 April 2006.

2.3.1.3 The 1997 Agreement on Periodical Technical Inspections

The 1997 Agreement was done at Vienna on 13 November 1997, during the UNECE Regional Conference on Transport and Environment. The Agreement provides the legal framework and procedures for the adoption of uniform Rules for carrying out technical inspections of vehicles in use and delivering international certificates of inspection. For the complete text of the 1997 Agreement, please refer to Annex IV. At the time when the Agreement was done, the regulatory and technical situation of the heavy duty vehicles was broadly different in the European countries, and it was considered that fixing a minimum level of environmental performances for these vehicles in use was useful in order to facilitate the intra-European traffic of commercial vehicles. The real situation changed quickly after 1997, and the European Union decided not to become a Contracting Party to this Agreement. So this Agreement is not, in Europe, an important part of the international vehicle regulatory system. Nevertheless, technical UN Rules for vehicle inspection have been annexed to the Agreement,
with the technical contribution of WP.29 participants and in particular of the International Motor Vehicle Inspection Committee (CITA). These UN Rules may be considered as useful by countries which wish to introduce, in their national legislation, a periodic inspection system based on international expertise. It is envisaged, with cooperation and support from CITA which has broad international membership, to develop and update on a regular basis the technical UN Rules annexed to the Agreement.

2.3.1.4 Administrative committee for the Co-ordination of the Work (WP.29/AC.2)

United Nations Economic Commissions For Europe (UNECE)

Inland Transport Committee (ITC)

World Forum For Harmonization of Vehicle Regulation WP.29

Active Safety

Passive Safety

Environment Protection

General Safety

Lighting and Light-Signaling GRE

Brakes and Running Gear GRRF

Passive Safety GRSP

Pollution and Energy GRPE

Noise GRB

General Safety Provisions GRSG

Administrative Committee of the 1958 Agreement (WP.29/AC.1)

Executive Committee of the 1998 Agreement (WP.29/AC.3)

Administrative Committee of the 1997 Agreement (WP.29/AC.4)
### 2.3.1.5 Global Technical Regulations

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### 2.3.1.6 European Technical Regulations

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### 2.3.2 Indian Vehicle Regulations

The Indian automobile industry is the fourth largest in the world. It has an annual production of approximately 20 million units and likely to exceed 40 million year 2020. There has been a sustained growth in the automotive sector of India following the economic reforms of 1991 which opened up 100 percent Foreign Direct Investment in this sector. The competitiveness in the automotive sector has been increasing since then. The industry has been growing annually at 15 per cent CAGR till 2014 and thereafter it is expected that the growth will be around 6% year on year. India is set to be a key player in the automotive sector.
The automotive regulations in India are governed by the Ministry of Road Transport & Highways (MoRTH) which is the nodal ministry for framing and implementation of safety and environment regulations of the automotive sector in India. Along with MoRTH, ministries such as Ministry of Environment & Forests, Ministry of Petroleum & Natural Gas, Ministry of Non-Conventional and Renewable Energy and Bureau of Indian Standards, Automotive Industry and other stakeholders such as certification agencies, various associations also have a vital role in the formulation of automotive regulations and standards in India. The principal instrument governing the automotive sector in India is the Motor Vehicles Act, 1988 (MVA) along with the Central Motor Vehicles Rules 1989 (CMVR). The Act governs emission norms and safety and performance standards in India and consolidates the law pertaining to motor vehicles. The CMVR provide the rules that explain the application of MVA in detail.

REGULATORY MECHANISM IN INDIA
Formulation of vehicle related safety standard is technical work and there was need to expedite the formulation of these standards accordingly MoRTH has constituted two committees to recommend and advise the ministry on issues relating to Safety and Emission Regulations. These committees are - Central Motor Vehicles Rules-Technical Standing Committee (referred as CMVR-TSC) and Standing Committee on Implementation of Emission Legislation (referred as SCOE). Central Motor Vehicles Rules - Technical Standing Committee (CMVR-TSC) was formulated to receive draft recommendations from other committees, such as Automotive Industry Standards Committee and Bureau of Indian Standards, and to finalise and approve safety recommendations made by such committees. The joint secretary of MoRTH is the Chairman of CMVR-TSC and SCOE. CMVR-TSC as well as SCOE comprises of representatives from Ministry of Heavy Industries and Public Enterprises, Ministry of Petroleum and Natural Gas, Ministry of Environment and Forest, Bureau of Indian Standard (BIS), Automotive Component Manufacturers Association of India (ACMA), Select State Governments, Testing agencies, SIAM and other invitees. The purpose of CMVR-TSC and SCOE is to finalise and approve the draft standards and norms submitted by various committees. The CMVR-TSC is assisted by the Automotive Industry Standards Committee (AISC) and Bureau of Indian Standards (BIS).

Government felt the need to speed up process of formulating automotive safety standards and accordingly MoRTH set up Automotive Industry Standards Committee (referred as AISC) vide order No. RT-11028/11/97-MVL dated September 15, 1997. The purpose of establishing this committee was to review the safety standards with regard to motor vehicles in India on a periodic basis and to give recommendations. The Chairman of this committee is the Director of Automotive Research Association of India (ARAI) which is one of the testing agencies constituted under CMVR-TSC. The AISC safety standards are formulated and prepared by separate Panel comprising of representatives of various stakeholder associations such as Department of Heavy Industries, Department of IPP, Department of RT&H, BIS, Vehicle Research and Development Establishment (VRDE), SIAM, ACMA, TMA, ARAI and CIRT. The representative of ARAI is the member secretary of this committee.
For preparing safety and environmental standards, consideration is on various aspects such as the status of technology, time frame required for implementation, necessity of a particular regulation in relation to the safety and emission issues and availability of the test facilities etc are discussed in detail before making the recommendations. AISC submits the draft safety standards in the form of recommendations to CMVR-TSC for final approval. The CMVR – TSC looks into the recommendations of AISC and either approves or sends the recommendations to AISC for amendments. After approval CMVR-TSC submits its final proposal to MoRT&H. MoRT&H then takes the final decision for incorporation of the recommendations in CMVR. Accordingly appropriate notifications are issued to make it part of CMVR legally.

Bureau of Indian Standards (BIS) is the national standards making body. CMVR shall refer the national standards. However as stop gap arrangement and speeding the regulation activity AIS standards are notified and referred till the AIS standards are transposed in to BIS standard and notified in the CMVR.

Standing Committee on Implementation of Emission Legislation (SCOE) is another committee along with CMVR-TSC that was formulated under the MoRT&H. This committee was established for the purpose of recommending emission norms. This committee is established to discuss the future emission norms and to recommend norms for in-use vehicles to MoRT&H. This committee finalises the test procedures and the implementation strategy for emission norms and advises MoRT&H on any issue relating to implementation of emission regulations.

The CMVR-TSC and SCOE recommend the safety standards and emission norms for implementation by the MoSRT & H. The standards and norms that are finalized by the CMVR-TSC are then sent for approval of the Secretary (MoSRT & H) and the Minister. After approval by the Ministry, and based on the recommendations from CMVR-TSC and SCOE, MoRT & H issues notification for necessary amendments / modifications in the in Central Motor Vehicle Rules. The finalized standards and norms are notified through General Statutory Rule/Statutory Order.
Under Rule 126 of the CMVR, various test agencies are established to test and certify the vehicles based on the safety standards and emission norms prescribed by the Ministry. Every manufacturer of motor vehicle has to submit a prototype of the vehicle to be manufactured to any of the test agencies mentioned hereafter. After testing the vehicle for compliance of all standards and norms, the test agency shall grant a certificate to the manufacturer. The test agencies are – Automotive Research Association of India, Pune (ARAI), Vehicle Research & Development Establishment, (VRDE) Ahmednagar, Central Farm Machinery Testing and Training Institute (CFMTTI), Budni, Indian Institute of Petroleum (IIP), Dehradun, Central Institute of Road Transport (CIRT), Pune and International centre for Automotive Technology (ICAT), Manesar.

The Indian standards and norms are at par with international standards to the extent that there is a sustained growth in the automotive sector. But there is a need to consolidate the laws further by bringing a master legislation in force that would govern and regulate all committees in force rather than the committees being governed by various Ministries.

2.3.2.1 Automotive Industry Standards:

In order to speed to the process of formulation of technical standards with respect to vehicle safety and emission AISC is established under the Chairmanship, Director, ARAI. Till date AISC has formulated standards and the partial list of the same is as produced below:

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<th>Sr. No.</th>
<th>AIS No. and its Amendment/s</th>
<th>Description</th>
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<td>1.</td>
<td>AIS-001 Amd No.1</td>
<td>Automotive Vehicles - Rear - View Mirrors – Specification</td>
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<td>2.</td>
<td>AIS-001(Part 1) (Rev. 1)</td>
<td>Automotive Vehicles – Approval of Devices for Indirect Vision Intended for use on M, N Category and L Category with Bodywork Vehicles – Specification</td>
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<td>3.</td>
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<td>AIS-002 Amd. No. 1</td>
<td>Automotive Vehicles - Rear - View Mirrors - Installation Requirements.</td>
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<td>5.</td>
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<td>AIS-008 (Rev. 1) Amd. Nos. 1 to 4</td>
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<td>15.</td>
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<td>Two Wheeled Vehicles – Location, Identification and operation of Controls, Tell-tales and Indicators.</td>
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<td>170.</td>
<td>AIS-127</td>
<td>Provisions Concerning the Approval of Adaptive Front- Lighting Systems (AFS) for Motor Vehicles</td>
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<td>171.</td>
<td>AIS-128 Amd. No. 1</td>
<td>Testing Procedure and Requirements for Headlamp Beam Testing and Brake Testing at Authorized Testing Stations using Headlight Tester and Roller Brake Tester</td>
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<td>172.</td>
<td>AIS-129</td>
<td>End-of-Life Vehicles</td>
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<td>173.</td>
<td>AIS-130 Amd. No. 1</td>
<td>Provisions concerning the approval of Light Emitting Diode (LED) light sources for use in approved lamp units on power-driven vehicles and their trailers</td>
</tr>
<tr>
<td>Sr. No.</td>
<td>AIS No. and its Amendment/s</td>
<td>Description</td>
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<td>174.</td>
<td>AIS-131</td>
<td>Type Approval Procedure for Electric and Hybrid Electric Vehicles introduced in market for Pilot / Demonstration Projects intended for Government Scheme</td>
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<tr>
<td>175.</td>
<td>AIS-133</td>
<td>Electronic Stability Control Systems</td>
</tr>
<tr>
<td>176.</td>
<td>AIS-134 + Amd. No. 1</td>
<td>Safety measures for Occupants of Three Wheeled Vehicles</td>
</tr>
<tr>
<td>177.</td>
<td>AIS-135</td>
<td>Fire Detection and Alarm System (FDAS) &amp; Fire Detection and Suppression Systems (FDSS) for Buses – Requirements</td>
</tr>
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<td>178.</td>
<td>AIS-136 + Amd. No. 1</td>
<td>Construction Equipment Vehicles or Earth-moving Vehicles / Machinery- Product Identification Numbering system</td>
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<tr>
<td>179.</td>
<td>AIS-138 (Part 1)</td>
<td>Electric Vehicle Conductive AC Charging System</td>
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<td>180.</td>
<td>AIS-139</td>
<td>Specific Requirements for Double Deck Buses</td>
</tr>
<tr>
<td>181.</td>
<td>AIS-140</td>
<td>Intelligent Transportation Systems (ITS) - Requirements for Public Transport Vehicle Operation</td>
</tr>
</tbody>
</table>

### 2.3.2.2 Bureau of Indian Standard

Bureau of Indian Standard (referred as BIS) is the legal standard making and quality control and consumer interest protecting body formulated under parliamentary act in 1086. Activities of BIS are-

- Standards formulation
- Product certification scheme
- Compulsory registration scheme
- Foreign manufacturer certification scheme
- Hall marking scheme
- Laboratory services
- Laboratory recognition scheme
• Sale of Indian Standards
• Consumer affair activities
• Promotion activities
• Training services nation and international level
• Information services.

It is obligatory and mandatory that BIS to formulate and control all types road safety standards related to vehicles, roads etc. At present AISC exist to formulated automotive safety standards. Once these AISC standards are finalized they are converted in to BIS standards. BIS standards are recognized as IS standards as IS stands for Indian Standard (referred as IS). Under BIS there are various division like Transport Engineering Division (TED), Petro Chemical Division (PCD) etc. Under each divisions there sub divisions like brakes, tyre, engines etc. These divisions formulate, updates all safety related standards. Partial list of vehicle related safety standards is as below.

<table>
<thead>
<tr>
<th>Sr. No</th>
<th>IS No</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>IS:15627-2005</td>
<td>Tyres for two three wheelers</td>
</tr>
<tr>
<td>2.</td>
<td>IS: 15633-2005</td>
<td>Tyres for passenger cars</td>
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<tr>
<td>3.</td>
<td>IS: 15636-2005</td>
<td>Tyre Light and Heavy Commercial Vehicles</td>
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<td>4.</td>
<td>IS:13154-1991</td>
<td>Agriculture Tractor Tyres</td>
</tr>
<tr>
<td>5.</td>
<td>IS:11852 (Part 1 to 8):2001</td>
<td>Automotive brakes requirements for all M and N category of vehicles</td>
</tr>
<tr>
<td>7.</td>
<td>IS:14664:1999</td>
<td>Two three wheelers brakes</td>
</tr>
<tr>
<td>8.</td>
<td>IS: 12061-1994</td>
<td>Braking system for agriculture tractors</td>
</tr>
<tr>
<td>9.</td>
<td>IS: 12207-1999</td>
<td>Braking system for agriculture tractors</td>
</tr>
<tr>
<td>12.</td>
<td>IS:11859-1986</td>
<td>Turning circle clearance diameter for agriculture tractors, harvester</td>
</tr>
<tr>
<td>Sr. No</td>
<td>IS No</td>
<td>Title</td>
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<tr>
<td>14.</td>
<td>IS: 15804-2008</td>
<td>Wind screen wiping system for motor vehicle other than 2/3 wheelers</td>
</tr>
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<td>15.</td>
<td>IS: 15802-2008</td>
<td>Wind screen wiping system three wheelers</td>
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<tr>
<td>16.</td>
<td>IS: 12239(Part1)—1988</td>
<td>Exhaust pipe fitment for agriculture tractors</td>
</tr>
<tr>
<td>17.</td>
<td>IS: 1460-2000</td>
<td>Diesel specification</td>
</tr>
<tr>
<td>18.</td>
<td>IS: 2796-2000</td>
<td>Gasoline specification</td>
</tr>
<tr>
<td>20.</td>
<td>IS: 14599:1999</td>
<td>Test procedure for measurement engine performance and gross power</td>
</tr>
<tr>
<td>24.</td>
<td>IS: 15796:2008</td>
<td>Installation requirements for electric horn on motor vehicles</td>
</tr>
<tr>
<td>26.</td>
<td>IS: 12180:2000,</td>
<td>Noise for power tillers</td>
</tr>
<tr>
<td>28.</td>
<td>IS: 14812:2000</td>
<td>Rear under run protection for motor vehicles</td>
</tr>
<tr>
<td>29.</td>
<td>IS: 14682:1999</td>
<td>Side (lateral) under run protection for motor vehicles</td>
</tr>
<tr>
<td>30.</td>
<td>IS: 9942:1982</td>
<td>T signs for trailers</td>
</tr>
<tr>
<td>31.</td>
<td>IS: 7079:2008</td>
<td>Hydraulic brake hose pipe</td>
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<tr>
<td>32.</td>
<td>IS: 8654:1986</td>
<td>Hydraulic brake fluid</td>
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<tr>
<td>33.</td>
<td>IS: 12362 (part 2)</td>
<td>Tow hook for agriculture tractors</td>
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<td>34.</td>
<td>IS: 13942:1994</td>
<td>Wheel nut and hub for motor vehicles</td>
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<td>35.</td>
<td>IS: 11821 (Part 1 and Part 2) -1992</td>
<td>Protective structure for agriculture tractors</td>
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<tr>
<td>Sr. No</td>
<td>IS No</td>
<td>Title</td>
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<tr>
<td>37.</td>
<td>IS: 15140:2003</td>
<td>Seat belt requirements</td>
</tr>
<tr>
<td>38.</td>
<td>IS:1513:2002</td>
<td>Seat belt anchorage requirements</td>
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<tr>
<td>40.</td>
<td>IS: 2465</td>
<td>Automobile Electric Cable requirements</td>
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<tr>
<td>41.</td>
<td>IS:1446:1985</td>
<td>Flammability requirement</td>
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<tr>
<td>42.</td>
<td>IS: 14681:1999</td>
<td>Fuel tank for 2/3 wheelers</td>
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<td>43.</td>
<td>IS: 11921: 1993</td>
<td>Constant speed fuel consumption measurement procedure</td>
</tr>
<tr>
<td>44.</td>
<td>IS: 15061: 2002</td>
<td>Flammability requirements for automobiles</td>
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<tr>
<td>45.</td>
<td>IS: 15223: 2002</td>
<td>Interior fitting for M1 category vehicles (Passenger cars)</td>
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<td>46.</td>
<td>IS: 12009: 1995</td>
<td>Side door impact</td>
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<td>47.</td>
<td>IS: 12056: 1987</td>
<td>Non plastic fuel tank for capacity greater than 15 liters.</td>
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<tr>
<td>48.</td>
<td>IS: 15547: 2005</td>
<td>Plastic fuel tank for capacity greater than 15 liters</td>
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<tr>
<td>49.</td>
<td>IS: 9436: 1980</td>
<td>Wheel rim passenger cars</td>
</tr>
<tr>
<td>50.</td>
<td>IS: 9438: 1980</td>
<td>Wheel rim light and heavy duty vehicles</td>
</tr>
<tr>
<td>52.</td>
<td>IS: 13943: 1994</td>
<td>Wheel guard (Mud guard)</td>
</tr>
<tr>
<td>53.</td>
<td>IS: 14283: 1995</td>
<td>Accelerator control system</td>
</tr>
<tr>
<td>54.</td>
<td>IS: 14225: 1995</td>
<td>Door locks and the door retention components</td>
</tr>
<tr>
<td>55.</td>
<td>IS: 14226: 1995</td>
<td>Hood latch system</td>
</tr>
<tr>
<td>56.</td>
<td>IS: 14226: 1995</td>
<td>Identification Controls and Tell Tale and Indicators, control locations and operation requirement.</td>
</tr>
<tr>
<td>57.</td>
<td>IS: 14899</td>
<td>Automobile LPG Tank.</td>
</tr>
<tr>
<td>Sr. No</td>
<td>IS No</td>
<td>Title</td>
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<tr>
<td>58.</td>
<td>IS:14861</td>
<td>LPG specification</td>
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<tr>
<td>59.</td>
<td>IS: 9942:1981</td>
<td>Steering impact requirements</td>
</tr>
<tr>
<td>60.</td>
<td>IS: 10792: 1984</td>
<td>Pneumatic coupling used for connection of brake system between towing vehicle and trailer.</td>
</tr>
<tr>
<td>61.</td>
<td>IS: 13944: 1994</td>
<td>The retention and release of the windows fitted on buses.</td>
</tr>
</tbody>
</table>

2.3.3 Road Standard

The origin of Indian Roads Congress (IRC) the apex body of road sector engineers and professionals in the country can be traced back to the Road Development Committee set up under the Chairmanship of Shri M.R. Jayakkar in 1927 by the then Government of India, which recommended for periodical holding of road conferences to discuss the issues related to road construction, maintenance & development. The first such Road Conference was held in April, 1930. Subsequently with the formalization of Road Fund, creation of a wider and permanent organization in place of Periodical Road Conferences was felt and thus, the IRC came into being. The inaugural meeting of IRC was held at the Town Hall, New Delhi on Monday the 10th December 1934 under the chairmanship of Mr. D.G.Mitchell, Secretary to the then Govt. of India in the department of Industries and Labour, Public Works Branch. This meeting was attended by 73 Engineers, from all parts of the then India. This marked the birth of the Indian Roads Congress. When the activities of the IRC expanded, IRC was formally registered as a society on 24th September 1937 under the Societies Registration Act of 1860.

Starting with a modest membership of 73 in 1934, the IRC has more than five million associates (direct/indirect) and over 16,700 registered members comprising of engineers & professionals of all Stakeholders of road sector from Central and State Governments, Public Sector, Research Institutions, Local bodies, Private sector, Concessionaires, Contractors, Consultants, Equipment manufacturers Machinery manufacturers, Material producers & suppliers,
Industrial Associations, Multilateral & Institutional organization like World Bank, ADB, JICA, JRA, IRF etc.

Mandate for the IRC was (a) to promote the use of standard specifications confirming to the cutting edge technologies for construction and maintenance of roads, bridges, tunnels and road transportation (b) o advice regarding planning and design, transportation, legislation and research connected with development and maintenance of roads and road transportation.

2.3.3.1 Road Safety Code and Standards

IRC have published 119 number of Codes of Practices for Specifications & Standards; 106 number of Special Publications on Guidelines and Manuals, 33 number of publications on behalf of Ministry of Road Transport and Highways; 2 each publications on behalf of National Highways Authority of India and Ministry of Rural Development; 23 number of State-of-the-Art Reports on Highway Research; 77 Highway Research Bulletin; 13 Highway Research Journals besides 40 Highway Research Records. Partial list of road safety standards and code are as given below.

1) IRC 35 published on 1997 it is related to road marking code.
2) IRC 66 published on 1976 provides sight distance on rural highways.
3) IRC 67 published on 2012 code of practice for road signs.
4) IRC 73 published on 1990 geometric designs standards (Non urban).
5) IRC 86 published on 1983 geometric designs standards for urban rules.
6) IRC 92 published on 1985 guideline for the design of inter change in urban areas.
7) IRC 93 published on 1985 guideline for the design and installation of road traffic sign.
8) IRC 99 published on 1988 tentative guidelines for speed breakers control of speed on minor roads.
9) IRC SP 23 published on 1993 vertical curves on highways.

10) IRC SP 41 published on 1994 guidelines for design great intersection (Rural and Urban Areas).

11) IRC SP 55 published on 2014 traffic management on work zone.

2.3.4 IRC Standard

IRC Indian road standards: IRC has published so far two dozen cause, standards, guidelines on traffic and design issues, the most important among them are:

- IRC 35 published on 1997 it is related to road marking code.
- IRC 66 published on 1976 provides sight distance on rural highways.
- IRC 67 published on 2012 code of practice for road signs.
- IRC 73 published on 1990 geometric designs standards (Non urban).
- IRC 86 published on 1983 geometric designs standards for urban rules.
- IRC 92 published on 1985 guideline for the design of inter change in urban areas.
- IRC 93 published on 1985 guideline for the design and installation of road traffic sign.
- IRC 99 published on 1988 tentative guidelines for speed breakers control of speed on minor roads.
- IRC SP 23 published on 1993 vertical curves on highways.
- IRC SP 41 published on 1994 guidelines for design great intersection (Rural and Urban Areas).
- IRC SP 55 published on 2014 traffic management on work zone.

In addition safety provision are included in the IRC manual for 2 lane, 4 lane, 6 lane highways and expressways. MoRTH specification and circulars issues from time to time content safety guidelines.
2.4 JUDICIAL OBSERVATIONS AND SUPREME COMMITTEE ON ROAD SAFETY

The supreme court of India is playing an important role to improve and developed road safety measures through judgments, directions and strict interpretation. There are some important case laws in Indian legal history in respect of road safety and to betterment of laws regarding road. From last seven decade after independence Indian legislature and hon'able the supreme court is working for implementation and better result for impact over the road and road users.

2.4.1 Writ Petition (Civil) No. 295/2012 Rajsekaran vs. Union of India

The petitioner is a leading orthopaedic surgeon of the country and the Chairman and Head of the Department of Orthopaedic Surgery in the Ganga Hospital at Coimbatore. He was/is also the President of the Indian Orthopaedic Association, the largest professional body of orthopaedic surgeons in the country. In the course of his professional duties spanning over several decades the petitioner, while rendering professional service to victims of road accidents, has come to realise that the large number of accidents that occur every day on the Indian roads, causing loss of human lives besides loss of limbs and other injuries resulting in human tragedies, are wholly avoidable. In the light of the experience gained and propelled by a desire to render service beyond the call of duty, the petitioner has filed this writ petition under Article 32 of the Constitution seeking the Court’s intervention, primarily, in the matter of enforcement of the prevailing laws and also seeking directions for enactment of what the petitioner considers to be more appropriate legislative measures and for more affirmative administrative action. The petitioner also seeks directions from the Court for upliftment of the existing infrastructure and facilities with regard to post-accident care and management to minimize loss of life and physical injuries to victims of road accidents.

The judgment narrated by justice Ranjan Gogoi:

The petitioner is a leading orthopaedic surgeon of the country and the Chairman and Head of the Department of Orthopaedic Surgery in the Ganga
Hospital at Coimbatore. He was/is also the President of the Indian Orthopaedic Association, the largest professional body of orthopaedic surgeons in the country. In the course of his professional duties spanning over several decades the petitioner, while rendering professional service to victims of road accidents, has come to realise that the large number of accidents that occur every day on the Indian roads, causing loss of human lives besides loss of limbs and other injuries resulting in human tragedies, are wholly avoidable. In the light of the experience gained and propelled by a desire to render service beyond the call of duty, the petitioner has filed this writ petition under Article 32 of the Constitution seeking the Court’s intervention, primarily, in the matter of enforcement of the prevailing laws and also seeking directions for enactment of what the petitioner considers to be more appropriate legislative measures and for more affirmative administrative action. The petitioner also seeks directions from the Court for upliftment of the existing infrastructure and facilities with regard to post-accident care and management to minimize loss of life and physical injuries to victims of road accidents.

In the context of the aforesaid effort, the petitioner has set out detailed statistics published by the Ministry of Road Transport and Highways (MoRTH) in the volume “Road Accidents in India 2010” highlighting the extent of increase of road accidents and fatal cases between 1970-2010. In the aforesaid publication in which the relevant figures are pegged to the year 2010 it is reported that road traffic accidents in the said year i.e. 2010 numbered nearly 5,00,000 resulting in approximately 1,30,000 deaths and serious injuries including amputation of limbs to over 5,00,000 persons. One serious road accident in the country occurs every minute; and one person dies in a road traffic accident every 4 minutes. Road traffic accidents, therefore, have the potential of being one of the largest challenges to orderly human existence necessitating immediate and urgent intervention. Not only the existing laws, which by themselves are inadequate, are not being implemented in the right earnest; the need for changes in such laws and upgradation thereof, though admitted, are yet to see the light of the day. Besides, victims of road traffic accidents die in large numbers due to lack of timely and proper medical attention which, inter alia, is caused by avoidable disputes with
regard to jurisdiction of the administrative authorities including the police who are to deal with the matter instead of rendering immediate medical aid to the victim. Failure to provide immediate medical attention resulting in death and irreversible injuries is also due to inadequate facilities for early removal of the victims of road accident to the nearest hospitals/medical centres. Inadequate number of ambulances and other suitable modes of transport to transport the victims of road accidents; the absence of trauma centres in different hospitals, and lack of even basic health care facilities are additional features that contribute to the unimpeded growth of the imminent menace to human life. Such unabated growth, it may be mentioned, is reflected in the figures beyond 2010 also. In fact, the corresponding figures of the year 2012 available in “Accidental Deaths and Suicides in 2012” a publication of the National Crime Records Bureau show a uniform graph for all the relevant figures i.e. number of road accidents; fatal cases as well as serious injury cases.

The petitioner has not visualized the magnitude of the problem that he seeks to highlight on the basis of his individual perceptions. He seeks to base his contentions on reports submitted by the Working Groups constituted by the MoRTH to survey the different facets of the problem as well as research and authoritative articles published on the subject by persons of eminence. It will, therefore, be necessary to briefly outline what has been dealt with and indicated in the said reports and publications.

At the outset, there are the reports of four Working Groups set up by the first respondent to submit recommendations and suggestions on short term and long term measures to curb road accidents in the country. The said four Working Groups were required to go into four ‘Es’ of road safety, namely, Engineering, Enforcement, Education and Emergency Care.

The Working Group on Emergency Care took note of the fact that a large number of potentially salvageable patients die needlessly due to delay in retrieval and inadequate or ineffective treatment. In its report the Working Group had enumerated the following problems in accident and emergency care delivery in India:

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i. The general public does not possess basic first aid skills.

ii. There is no standardized toll free access number to call emergency medical help.

iii. Non availability of appropriate and safe transport for injured patient in the form of road ambulances, air ambulances etc.

iv. The ambulances are inappropriately/ inadequately equipped.

v. There is lack of awareness regarding Hon’ble Supreme Court of India’s directives regarding the right to emergency care for RTA victims and the legal protection available to good Samaritans who offer help to a victim of a road accident.

vi. There is no provision to ensure adequate compensation to an RTA victim in case the accident causing vehicle does not have a third party insurance.

vii. Majority of the drivers do not have a personal mediclaim policy to cater to their emergency medical needs in case of an accident.

Insofar as the report of the Working Group on Engineering is concerned it was observed that the road network in the country is historically developed with a view to providing accessibility rather than mobility. In the said report it was also noted that the available funding for maintenance and repairs of National Highways Network is only 35-40% of the estimated fund requirement.

Insofar as road safety education is concerned the following extract from the report of the Working Group on Road Safety Education would highlight the dimensions of the issue: “On an average, 20 percent of all people killed in road accidents in developing countries are under the age of fifteen. This is twice as high as in the developed world. In India, there is one road accident every minute, and one fatal accident every fourth minute. There are as many as thirty five accidents per thousand vehicles, and the drivers involved in road crashes are in the age group 20-40 years. Two wheelers and cars contribute to 50 percent of the total accidents. Road crashes cost approximately one to three percent of a country’s
GDP. Other than road engineering issues, most of the accidents are caused by the drivers fault. While some experts say it is around 50 percent, the MoRTH said that it was around 80 percent. Whatever be the exact figure, we do need to focus on education and enforcement for improving driver performance.”

“Road Safety Education should not remain a matter of words. Students must be educated in a way that brings them alive to the issues of road safety. The report further states that, “Enforcement has a key role in encouraging improved road users behavior. The general deterrence provided by enforcement authorities will promote public perception that “compliance everywhere all the time” is the best way of avoiding penalties and improving safety. Often fear of the stick works better than the stick itself.”

A detailed reference has been made by the petitioner to the report submitted by Shri S. Sundar [Former Secretary in the Ministry of Surface Transport and Distinguished Fellow of The Energy and Resources Institute (TERI)] under whom a Committee was constituted in the year 2005 to deliberate and make recommendations for creation of a dedicated body on road safety and traffic management. The Committee was also requested to draft the National Road Safety Policy for consideration of the Government. While submitting its report in February, 2007 the Committee, inter alia, recommended a draft National Road Safety Policy which was approved by the Cabinet in its meeting held on 15.3.2010. The said Policy outlines the initiatives that are to be taken by the Government at all levels to improve road safety in the country. The major initiatives under the Policy are:

(a) To promote awareness about road safety issues.

(b) To ensure safer road infrastructure by way of designing safer road, encouraging application of Intelligent Transport System etc.

(c) To ensure fitment of safety features at the stage of designing, manufacture, usage, operation and maintenance.

(d) To strengthen the system of driving licensing and training to improve the competence of drivers.

(e) To take measures to ensure safety of vulnerable road users.
(f) To take appropriate measures for enforcement of safety laws,

(g) To ensure medical attention for road accident victims.

(h) To encourage human resource development and R&D for road safety.

(i) To strengthen the enabling legal, institutional and financial environment for promoting road safety culture in the Country.

After 2012 and 2014 a judgement passed by honourable supreme court JJ. Deepak Gupta, Madan B, Lokur on **November 30, 2017**. They decide with the help of Amicus Curiae and Additional Solicitor General. They have made suggestion are follow :

**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 W.P. (C) No. 295 of 2012 Page 24 of 33 Nicobar Islands, must now formulate the Road Safety Policy by 31st January, 2018.

**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.

**Lead Agency:** Only a few States have established the Lead Agency as recommended by the Committee on Road Safety in its communication of 23rd December, 2014.

**Road Safety Fund:** Some of the States have already established a Road Safety Fund.

**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.

**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, W.P. (C) No. 295 of 2012 1988.
Engineering Improvement: It appears that one of the main reasons for road accidents is the poor quality of roads, improper design, etc.

Traffic Calming Measures: It is suggested by the learned Amicus that traffic calming measures must be adopted at accident prone areas.

Road Safety Audits: There is agreement, in principle, between the learned Amicus and the MoRTH to carry out Road Safety Audits. However, there appears to be a dearth of qualified auditors in Road Safety Engineering.

Engineering Design of New Roads: The MoRTH is of the view, and the learned Amicus 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.

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.

Drivers’ Training / Lane Driving: This is the subject matter of the Motor Vehicles (Amendment) Bill, 2017 and no orders are required to be passed in this regard.

Road Safety Equipment: 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.

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.

Road Safety Education: The learned Amicus as well as MoRTH are in agreement that road safety education and counselling should be incorporated in the curriculum by the State Boards by 1st April, 2018. It is directed that the State Governments may seriously consider this recommendation and include Road Safety Education and Counseling as a part of the school curriculum at the earliest.
**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.

**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 ambulance.

**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.

**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 31st January, 2018.

**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 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. 1 (1989) 4 SCC 286 W.P. (C) No. 295 of 2012.

**GPS:** 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.

**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 27th April, 2014 and with regard to trucks vide G.S.R. No. 1034(E) dated 2nd November, 2016. No further orders are necessary in this regard.
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 16th March, 2016 and for four wheelers vide G.S.R. No. 120(E) dated 10th February, 2017.

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.

Supreme Court it clear that the directions given above are those that have been agreed upon by the parties before us and are in addition to and supplement the directions already given in *S.Rajasekaran v. Union of India (2014)* 6SCC 36 The Court commend the efforts put in by the learned *Amicus Curiae* and the Justice K.S. Radhakrishnan Committee on Road Safety.

Court also make it clear that if there is any doubt or clarity required in implementing the directions given, the concerned State Government or Union at Territory is at liberty to move the Committee on Road Safety.

2.4.2 Writ Petition (Civil) No. 235/2012 Save Life Foundation vs. Union of India

In this petition under Article 32 of the Constitution of India the principal prayer of the petitioner is to issue guidelines in relation to the victim of Road Accidents, in other words what protection has to be provide d and how best trauma treatment can be provided in case of fatal accident. It is primarily a subject which will fall in the field of the concerned experts and it may not be very appropriate for this Court to venture for framing of guidelines. It is submitted brought before us by the learned counsel appearing for the parties that an Expert Body may be constituted to make suggestions/recommendations which may then form the basis for issuance of final guidelines by this Court in exercise of its extraordinary jurisdiction. Learned Additional Solicitor General appearing for Union of India has submitted a short note before us. The points raised in this note with certain addition and alterations are acceptable to the petitioners. They are in relation to constitution of an Expert Committee and its scope of majority.
Designations and names of the members of this Committee have been suggested by the learned Additional Solicitor General. Thus, on the common plea of the parties we constitute the following Committee:-

1. Additional Secretary of Ministry of Home Affairs;

2. Secretary and or his nominee, Ministry of Health and Family Welfare to be nominated in consultation with Directorate General Health Services;

3. Secretary and or his nominee from Ministry of Law and Justice;

4. Jt. Commissioner (Traffic)-Delhi Police;

5. Chief of the AIIMS Trauma Centre;

6. The Director General or his nominee not below the rank of the Additional Director General of the Protection Road Organizations;

7. Save Life foundation representative;\(^\text{18}\)

8. Mr. M.P. Tiwari or his nominee from any of the NAOS John Ambulance representative.

The Committee shall be chaired by Mr. V.S. Agarwal, former Judge, Delhi High Court, Secretary or his nominee, Ministry of Road Transport and Highways will be the nodal officer for the purpose of holding these meetings as well as to ensure the submissions or the recommendation to this Court within the time allowed. We also permit the Committee to receive expert advise/consultation from Dr. G.Guru Raj, Collaborating Centre for Injury Prevention & Safety Promotion, National Institute of Mental Health and Neuro Sciences (NIMHANS), Bangalore, if they so deem necessary.

The scope of reference of this Committee shall be as follows:

i) To identify public and private hospitals throughout the country to conduct training programmes to provide trainers at district level for training volunteers who are part of the district emergency medical response teams.

\(^{18}\) http://courtnic.nic.in/supremecourt/temp/2352012311
ii) Training the State Police personnel in basic first-aid techniques and interrogation and treatment of persons who help accident victims by incorporating the same as part of the curriculum of the Police training schools and colleges.

iii) Incorporating basic first-aid training a part of the school curriculum. Creation of ambulance, first aid medical centre designated highway police in each State.

iv) Networking of National Highways Authority of India (NHAI) Ambulances with first and second level trauma centre by NHAI with the Ministry of Health and Family Welfare and State Governments.

v) Providing of infrastructure and connectivity between trauma centre at different places and monitoring progress.¹⁹

vi) Providing infrastructural support to the National Highway Administration brought in by the Control of National Highways (Land and Traffic) Act, 2002.

vii) Study the extent to which schemes for emergency care for road accident victims, as submitted by Respondent No.1, have been implemented. The outcome this study would be a report with evidence based representation of reality of such schemes on the ground.

viii) Study the effectiveness of such schemes with regard to their responsiveness towards injured victims an ability to save lives. The outcome of this study would be measurable parameters such as availability of universal access number for victims to call for help, average response times taken in reaching injured victims, quality of care provided, etc. The measurement parameters would be established in the first meeting of the Committee.

ix) Identify the root causes for fear of harassment and legal hassles in general public regarding helping injured victims.

x) Deliberate and develop a set of guidelines for protecting Good Samaritans from police harassment and legal hassles. The guidelines will aim to

¹⁹ http://courtnic.nic.in/supremecourt/temp/2352012311
address the root causes for fear of harassment and legal hassles in general public regarding helping injured victims.

These guidelines will also serve as a foundation for further legislative work in the area of protecting Good Samaritans.

xi) The Committee will submit its complete report to the Hon'ble Supreme Court within 3 months from the date of Order."

The Chairman of the Expert Committee shall receive a sum of Rs.50,000/- p.m. as honorarium in addition to all the expenses that he may like to incur.

While making its recommendations the Committee can also examine such material or comments as are submitted by Union of India or any other Committee or Organization on the subject in question for its consideration.

We direct the aforesaid Committee to submit its report within three months from today. Stand over for three months.

2.4.3 Special Leave Petition 11801-04/2005 Jai Prakash vs. National Insurance Company and Others

The first problem relates to a section of motor accident victims who are doubly unfortunate - first in getting involved in an accident, and second, in not getting any compensation. Let us elaborate. There are two categories of victims in motor accidents - those who will be able to get compensation and those who will not be able to get compensation. Victims of motor accidents involving insured vehicles, who are assured of getting compensation from the insurer, fall in the first category. Victims of motor accidents involving the following categories of vehicles, who do not receive any compensation fall under the second category:-

(i) Hit and run vehicles which remain unidentified.

(ii) Vehicles which do not have any insurance cover.

(iii) Vehicles with third party insurance, carrying persons who are not covered by the insurance (gratuitous passengers in a goods vehicle or a car, and

20 https://indiankanoon.org/doc/49727603/
pillion riders on two wheelers etc.) In hit and run cases, the victim has no one from whom he can claim or get compensation. In regard to vehicles which do not have any insurance or do not have an insurance covering the risks relating to gratuitous passengers/riders, even if the driver/owner may be made liable under an award of the Tribunal, there is little or no chance of recovery of compensation that may be awarded. This is because normally driver and owners of uninsured vehicles will not have the capacity to pay the compensation or would have transferred their assets to escape paying compensation. It is estimated that around 20% of the victims of motor accidents fall under the unfortunate categories who do not get any compensation (except some who may get a token amount under Section 161 or 140 of the Act). A person hit by an uninsured vehicle, feels frustrated, cheated and discriminated, when he does not get any compensation, but sees another person hit by an insured vehicle getting compensation. The victim does not choose the vehicle which hits him, nor any role in causing the accident. But a victim is denied compensation, if the vehicle which hits disappears without trace, or if the vehicle is without insurance, while a similar victim hit by an insured vehicle gets compensation. Should the State, which by law provided for compulsory third party insurance to protect motor accident victims, ignore these 20% victims who do not get compensation or provide them with some effective remedy? Should the State go something to reduce the incidence of non-insurance?

The second problem relates to the widespread practice of using goods vehicles for passenger traffic. Such use is primarily due to the following four reasons:

(a) Non-availability of regular mode of passenger transport in several parts of the country, particularly in rural areas, compelling people to use lorries and other goods vehicles as modes of transport to reach their destinations.

(b) Non-availability of contract carriages for group travel during special occasions. Consequently, large groups of people use, again mostly in rural areas, goods vehicles (lorries and tractor-trailers) for group travel on occasions like marriages, festivals, functions and political rallies.

(c) Frequent break-down of buses/cars/other vehicles (on roads with sparse traffic) due to bad maintenance of roads or the vehicles, or other emergencies
forcing the stranded passengers to use goods vehicles to reach nearest city or town from which they can get regular recognized modes of transport.

(d) The temptation of lorry drivers to make a quick buck by carrying passengers for a fare (with or without the knowledge of the owner) coupled with the attraction of a low fare for the poor and needy. (These passengers though termed as ‘gratuitous’ passengers, except in a few cases, are fare paying illegal passengers).

Where persons travel in a goods vehicle either knowing or not knowing that such travel is illegal (gratuitously or by paying an illegal ‘fare’ to the driver or owner) and such the vehicle is involved in an accident resulting in injuries to such passengers, various legal and moral questions arise. Whether the victims are entitled to compensation? Whether the insurer is liable? Whether the owner, who may be unaware of such illegal carriage by the driver, can be made liable? Whether the owner and driver of goods vehicles should be made liable to pay compensation, even where they were carrying passengers stranded on the road, gratuitously only out of sympathy? Whether ‘illegal’ passengers should be denied compensation as a deterrent to discourage unauthorized travel? Should we ignore the harsh reality that as long as the causes necessitating or forcing people to resort to such illegal travel in goods vehicles continue to exist, people will continue to travel in goods vehicles, unmindful of the risk, whether legal or illegal? Problem (iii)

The third problem relates to the procedural delays in adjudication/settlement of claims by Motor Accidents Claims Tribunals (for short ‘Tribunals’) and consequential hardship to the victims and their families. In cases where the accident victim dies, the family - usually the widow and children - loses its sole bread winner and are virtually driven to the streets. Many a time, the widow and children are forced to take up unaccustomed manual labour for their survival, the children foregoing their education. Payment of compensation without delay will help them to sustain themselves and pick up the threads to live with dignity. 4.1) Most of the accident victims (who are injured) are not able to access quality medical treatment for want of funds, as their earning capacity is either
permanently lost or is put on hold on account of the injuries. They get the compensation only after the treatment and after a contested trial. Many a time lack of treatment or inadequate treatment for want of funds, itself converts what could have been a temporary disability into permanent disability for the victim, thereby increasing the compensation payable. The Insurance Companies know full well that timely payment of compensation or timely better treatment of the victims can ultimately reduce the quantum of compensation payable by them. The insurance companies also know that they will have to ultimately reimburse the cost of medical treatment of the accident victim with interest. But still they fail to extend timely aid to the injured victims, but wait for the injured to file a claim petition, after completing the treatment at his own cost.

The Legislature tried to reduce the period of pendency of claim cases and quicken the process of determination of compensation by making two significant changes in the Act, by Amendment Act 54 of 1994, making it mandatory for registration of a motor accident claim within one month of receipt of first information of the accident, without the claimants having to file a claim petition. Sub-section (6) of section 158 of the Act provides:

"As soon as any information regarding any accident involving death or bodily injury to any person is recorded or report under this section is completed by a police officer, the officer-in-charge of the police station shall forward a copy of the same within thirty days from the date of recording of information or, as the case may be, on completion of such report to the Claims Tribunal having jurisdiction and a copy thereof to the concerned insurer, and where a copy is made available to the owner, he shall also within thirty days of receipt of such report, forward the same to such Claims Tribunal and insurer".

Sub-section (4) of Section 166 of the Act reads thus:- "The Claims Tribunal shall treat any report of accidents forwarded to it under sub-section (6) of section 158 as an application for compensation under this Act".

Rule 150 of Central Motor Vehicle Rules, 1989 prescribes the form (No.54) of the Police Report required to be submitted under section 158(6) of the Act. 4.3) This Court in General Insurance Council v. State of A.P. [2007 (12) SCC
354] emphasised the need for implementing the aforesaid provisions. This Court directed:

"It is, therefore, directed that all the State Governments and the Union Territories shall instruct all police officers concerned about the need to comply with the requirement of Section 158(6) keeping in view the requirement indicated in Rule 150 and in Form 54, Central Motor Vehicles Rules, 1989. Periodical checking shall be done by the Inspector General of Police concerned to ensure that the requirements are being complied with. In case there is non-compliance, appropriate action shall be taken against the erring officials. The Department of Road Transport and Highways shall make periodical verification to ensure that action is being taken and in case of any deviation immediately bring the same to the notice of the State Governments/Union Territories concerned so that necessary action can be taken against the officials concerned."

But unfortunately neither the police nor the Motor Accidents Claims Tribunals have made any effort to implement these mandatory provisions of the Act. If these provisions are faithfully and effectively implemented, it will be possible for the victims of accident and/or their families to get compensation, in a span of few months. There is, therefore, an urgent need for the concerned police authorities and Tribunals to follow the mandate of these provisions.

Courts have always been concerned that the full compensation amount does not reach and benefit the victims and their families, particularly those who are uneducated, ignorant, or not worldly-wise. Unless there are built-in safeguards they may be deprived of the benefit of compensation which may be the sole source of their future sustenance. This court has time and again insisted upon measures to ensure that the compensation amount is appropriately invested and protected and not frittered away owing to ignorance, illiteracy and susceptibility to exploitation. [See Union Carbide Corporation v. Union of India - 1991 (4) SCC 584 and General Manager, Kerala State Road Transport Corporation v. Susamma Thomas - 1994 (2) SCC 176]. But in spite of the directions in these cases, the position continues to be far from unsatisfactory and in many cases unscrupulous relatives, agents and touts are taking away a big chunk of the compensation, by ingenious methods. Reports of Amicus Curiae
In this background, to find some solutions, on 9.9.2008, this Court requested Shri Gopal Subramaniam, to assist the Court as Amicus Curiae. The learned amicus curiae with his usual thoroughness and commitment has examined the issues and submitted a series of reports and has also made several suggestions for consideration. He has also referred to and relied on a series of zealous directions issued by a learned Single Judge of the Delhi High Court to expedite and streamline the adjudication of motor vehicle claims and disbursement of compensation.

Having considered the nature of the problems and taking note of the several suggestions made by the learned Amicus Curiae and after hearing, we propose to issue a set of directions to the police authorities and Claims Tribunals. We also propose to make some suggestions for implementation by Insurance Companies and some suggestions for the consideration of the Parliament and the Central Government.

**Directions to Police Authorities**

The Director General of Police of each State is directed to instruct all Police Stations in his State to comply with the provisions of Section 158(6) of the Act. For this purpose, the following steps will have to be taken by the Station House Officers of the jurisdictional police stations:

(i) Accident Information Report in Form No. 54 of the Central Motor Vehicle Rules, 1989 (`AIR' for short) shall be submitted by the police (Station House Officer) to the jurisdictional Motor Vehicle Claims Tribunal, within 30 days of the registration of the FIR. In addition to the particulars required to be furnished in Form No. 54, the police should also collect and furnish the following additional particulars in the AIR to the Tribunal: (i) The age of the victims at the time of accident; (ii) The income of the victim; (iii) The names and ages of the dependent family members.

(ii) The AIR shall be accompanied by the attested copies of the FIR, site sketch/mahazar/photographs of the place of occurrence, driving licence of the driver, insurance policy (and if necessary, fitness certificate) of the vehicle and
postmortem report (in case of death) or the Injury/Wound certificate (in the case of injuries). The names/addresses of injured or dependant family members of the deceased should also be furnished to the Tribunal.

(iii) Simultaneously, copy of the AIR with there to shall be furnished to the concerned insurance company to enable the Insurer to process the claim.

(iv) The police shall notify the first date of hearing fixed by the Tribunal to the victim (injured) or the family of the victim (in case of death) and the driver, owner and insurer. If so directed by the Tribunal, the police may secure their presence on the first date of hearing.

To avoid any administrative difficulties in immediate implementation of sections 158(6) of the Act, we permit such implementation to be carried out in three stages. In the first stage, all police stations/claims Tribunals in the NCT Region and State Capital regions shall implement the provisions by end of April 2010. In the second stage, all the police stations/claims Tribunals in district headquarters regions shall implement the provisions by the end of August 2010. In the third stage, all police stations/Claims Tribunals shall implement the provisions by the end of December, 2010. The Director Generals shall ensure that necessary forms and infrastructural support is made available to give effect to Section 158 (6) of the Act.

Section 196 of the Act provides that whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of Section 146 shall be punishable with imprisonment which may be extended to three months, or with fine which may extend to Rs. 1000/-, or with both. Though the statute requires prosecution of the driver and owner of uninsured vehicles, this is seldom done. Thereby a valuable deterrent is ignored. We therefore direct the Director Generals to issue instructions to prosecute drivers and owners of uninsured vehicles under Section 196 of the Act.

The Transport Department, Health Department and other concerned departments shall extend necessary co-operation to the Director-Generals to give effect to Section 158 (6).
Directions to the Claims Tribunals

The Registrar General of each High Court is directed to instruct all Claims Tribunals in his State to register the reports of accidents receive under Section 158 (6) of the Act as applications for compensation under Section 166 (4) of the Act and deal with them without waiting for the filing of claim applications by the injured or by the family of the deceased. The Registrar General shall ensure that necessary Registers, forms and other support is extended to the Tribunal to give effect to Section 166 (4) of the Act.

For complying with section 166(4) of the Act, the jurisdictional Motor Accident Claims Tribunals shall initiate the following steps:

(a) The Tribunal shall maintain an Institution Register for recording the AIRs which are received from the Station House Officers of the Police Stations and register them as miscellaneous petitions. If any private claim petitions are directly filed with reference to an AIR, they should also be recorded in the Register.

(b) The Tribunal shall list the AIRs as miscellaneous petitions. It shall fix a date for preliminary hearing so as to enable the police to notify such date to the victim (family of victim in the event of death) and the owner, driver and insurer of the vehicle involved in the accident. Once the claimant/s appear, the miscellaneous application shall be converted to claim petition. Where a claimant/s file the claim petition even before the receipt of the AIR by the Tribunal, the AIR may be tagged to the claim petition.

(c) The Tribunal shall enquire and satisfy itself that the AIR relates to a real accident and is not the result of any collusion and fabrication of an accident (by any `Police Officer - Advocate - Doctor’ nexus, which has come to light in several cases).

(d) The Tribunal shall by a summary enquiry ascertain the dependent family members/legal heirs. The jurisdictional police shall also enquire and submit the names of the dependent legal heirs.
(e) The Tribunal shall categories the claim cases registered, into those where the insurer disputes liability and those where the insurer does not dispute the liability.

(f) Wherever the insurer does not dispute the liability under the policy, the Tribunal shall make an endeavour to determine the compensation amount by a summary enquiry or refer the matter to the Lok Adalat for settlement, so as to dispose of the claim petition itself, within a time frame not exceeding six months from the date of registration of the claim petition.

(g) The insurance companies shall be directed to deposit the admitted amount or the amount determined, with the claims tribunals within 30 days of determination. The Tribunals should ensure that the compensation amount is kept in Fixed deposit and disbursed as per the directions contained in General Manager, KSRTC v. Susamma Thomas [1994 (2) SCC 176].

(h) As the proceedings initiated in pursuance of Section 158(6) and 166(4) of the Act, are different in nature from an application by the victim/s under Section 166(1) of the Act, Section 170 will not apply. The insurers will therefore be entitled to assist the Tribunal (either independently or with the owners of the vehicles) to verify the correctness in regard to the accident, injuries, age, income and dependents of the deceased victim and in determining the quantum of compensation.

The aforesaid directions to the Tribunals are without prejudice to the discretion of each Tribunal to follow such summary procedure as it deems fit as provided under Section 169 of the Act. Many Tribunals instead of holding an inquiry into the claim by following suitable summary procedure, as mandated by Section 168 and 169 of the Act, tend to conduct motor accident cases like regular civil suits. This should be avoided. The Tribunal shall take an active role in deciding and expeditious disposal of the applications for compensation and make effective use of Section 165 of the Evidence Act, 1872, to determine the just compensation.
Suggestions for Insurance Companies

In cases of death, where the liability of the insurer is not disputed, the insurance companies should, without waiting for the decision of the Motor Accidents Claims Tribunal or a settlement before the Lok Adalat, endeavour to pay to the family (Legal representatives) of the deceased, compensation as per the standard formula determined by the decisions of this Court.

In cases of injuries to any accident victim, where the liability is not disputed, the insurer should offer treatment at its cost to the injured, without waiting for an award of the Tribunal. If insurance companies can meet the bills for treatment of those who have taken a medical insurance policy, we see no reason why they should not extend a similar treatment to the accident victims of vehicles insured with them.

In countries like United Kingdom, the percentage of motor accident claims, with reference to the accidents is very low. This is because immediately after being notified of the accident, the insurer makes its own enquiries and satisfies itself about its liability and voluntarily assesses and pays the compensation to the victim. Only where the insurer denies the claim or where the victim is not satisfied with the quantum of compensation paid, the matter goes to court. There is no reason why insurance companies in India should not adopt such a procedure. In death cases, the calculation of compensation is now standardized by several decisions of this court [See for example: Sarla Verma v. Delhi Transport Corporation - 2009 (6) SCC 121]. The insurers can either by relying upon the police report (AIR) or by enquiring with the family or the employer of the deceased, ascertain the three inputs required for calculation of the compensation, that is, age of the deceased, income of the deceased and number of dependent family members. With these particulars, the insurers can easily calculate the compensation and offer a compensation, either a lump sum or an annuity. Similarly in cases of injuries, the insurers can offer treatment in hospitals approved by it and meet the expenses or pay the bills, or if the victim has already undergone the treatment, reimburse the cost of treatment. It can also reimburse other items of special damages, the damages for pain suffering, which is also
standardized in several decisions of this Court. By such voluntary payment there will be all round benefits. The insurers save interest and litigation cost and discharge their obligation to the society. The victims will be relieved from financial hardship and benefit from timely effective treatment. Burden on courts will be reduced and judicial man power can be diverted to more complex cases.

To protect and preserve the compensation amount awarded to the families of the deceased victim special schemes may be considered by the insurance companies in consultation with the Life Insurance Corporation of India, State Bank of India or any other Nationalized Banks. One proposal is for formulation of a scheme in consultation with Nationalized Banks under which the compensation is kept in fixed deposit for an appropriate period and interest is paid by the Bank monthly to the claimants without any need for claimants having to approach either the court or their counsel or the Bank for that purpose. The scheme should ensure that the amount of compensation is utilized only for the benefit of the injured claimants or in case of death, for the benefit of the dependent family. We extract below the particulars of a special Scheme offered by a nationalized Bank at the instance of the Delhi High Court:

(i) The fixed deposit shall be automatically renewed till the period prescribed by the Court.

(ii) The interest on the fixed deposit shall be paid monthly.

(iii) The monthly interest shall be credited automatically in the saving account of the claimant.

(iv) Original fixed deposit receipt shall be retained by the Bank in safe custody. However, the original passbook shall be given to the claimant along with the photocopy of the FDR.

(v) The original fixed deposit receipt shall be handed over to the claimant at the end of the fixed deposit period.

(vi) Photo identity card shall be issued to the claimant and the withdrawal shall be permitted only after due verification by the Bank of the identity card of the claimant.
(vii) No cheque book shall be issued to the claimant without permission of the court.

(viii) No loan, advance or withdrawal shall be allowed on the fixed deposit without permission of the court.

(ix) The claimant can operate the saving bank account from the nearest branch of UCO Bank and on the request of the claimant, the bank shall provide the said facility.

The Insurance companies may also consider offering an annuity instead of lump sum compensation. They may prepare an annuity scheme with the involvement of Life Insurance Corporation of India or its own actuaries, under which they can pay a monthly annuity to the widow (for life) and to minor children (till they attain majority) and in addition a lump sum at the end of 20 or 25 years to the widow. The benefit of such annuity scheme may also be extended to victims who are permanently disabled in accidents. Once such schemes are in place, the victims and the Tribunal will have some choice in the manner of payment of compensation.

Whenever the insurance companies find that the driver of the insured vehicle possessed fake/forged driving license, they should lodge a complaint with the concerned police for prosecution. This will reduce the incidence of fake licences and increase the road travel safety.

Suggestions for Legislative/Executive Intervention

We may next refer to some vital areas where intervention by the legislature and/or executive is called for. The suggestions are intended to draw the attention of the executive and legislature to the several vexed issues, which when properly and expeditiously addressed, will improve the system of compensating the motor accident victims.

Ensuring that all accident victims get compensation

To ensure that all accident victims get compensation, it is necessary to formulate a more comprehensive scheme for payment of compensation to victims
of road accidents, in place of the present system of third party insurance. For example, in South Africa and some other African countries, Road Accident Funds have been created, managed by Road Accident Fund Commissions, thereby eliminating the need for third party insurance. A fuel levy/surcharge is collected on the sale of petrol and diesel and credited to such fund. All accident victims, without exception, are paid compensation from out of the said fund by the Commission. But the feedback from operational statistics relating to such funds is that the scheme, while successful in smaller countries, may encounter difficulties and financial deficits in larger countries like South Africa or developing countries with infrastructural deficiencies.

An alternative scheme involves the collection of a one time (life time) third party insurance premium by a Central Insurance Agency in respect of every vehicle sold (in a manner similar to the collection of life time road tax). The fund created by collection of such third party insurance can be augmented/supplemented by an appropriate road accident cess/surcharge on the price of petrol/diesel sold across the country. Such a hybrid model which involves collection of a fixed life time premium in regard to each vehicle plus imposition of a road accident cess may provide a more satisfactory solution in a vast country like India. This will also address a major grievance of insurance companies that their outgoings by way of compensation in motor accident claims is four times the amount received as motor insurance premia. The general insurance companies may however continue with optional insurance to provide cover against damage to the vehicle and injury to the owner.

A more realistic and easier alternative is to continue with the present system of third party insurance with two changes:

(i) Define `third party' - to cover any accident victim (that is any third party, other than the owner) and increasing the premia, if necessary.

(ii) Increase the quantum of compensation payable under Section 161 of the Act in case of hit and run motor accidents.

India has the dubious distinction of being one of the countries with the highest number of road accidents and the longest response time in securing first
aid and medical treatment. There is therefore an urgent need for laying down and enforcing Road safety measures and establishment of large number of Trauma Centres and first aid centres. It is also necessary to consider the establishment of a Road Safety Bureau to lay down Road Safety Standards and norms, enforce Road safety measures, establish and run Trauma Centres, establish First Aid Centres in Petrol Stations, and carry out research/data collection for accident prevention.

Several countries have comprehensive enactments dealing exclusively with accidents. In place of the provisions relating to Accident tribunals and award of compensation in the Motor Vehicles Act, 1988, and other statutes dealing with accidents and compensation, enacting a comprehensive and unified statute dealing with accidents may be considered.

**Rationalisation of II schedule to Motor Vehicles Act, 1988**

The Central Government may consider amendment of the Second Schedule to the Act to rectify the several mistakes therein and rationalize the compensation payable thereunder, repeatedly pointed out by this Court [See U.P. State Road Transport Corporation v. Trilok Chandra - 1996 (4) SCC 362, and Sarla Verma (supra)]. Securing the compensation to the victims of accidents involving uninsured vehicles

Where there is no insurance cover for a vehicle, the owner should be directed to offer security or deposit an amount, adequate to satisfy the award that may be ultimately passed, as a condition precedent for release of the seized vehicle involved in the accident. If such security or cash deposit is not made, within a period of three months, appropriate steps may be taken for disposal of the vehicle and hold the sale proceeds in deposit until the claim case is disposed of. The appropriate Governments may consider incorporation of a rule on the lines of Rule 6 of the Delhi Motor Accident Claims Tribunal Rules, 2008 in this behalf.

**Consequential Directions**

The Supreme Court Registry is directed to send copies of this order to (i) Chief Secretaries and Director Generals of Police of all States, and (ii) Registrar-Generals of all High Courts, for compliance with the directions. The suggestions
made may be placed before the Central Government by the learned Solicitor General. Registry may receive and put up any other suggestions. List for further directions on 7.1.2010.

2.4.4 Writ Petition (Civil) No. 136/2003 Paramjit Bhasin and Ors. vs. Union of India and Ors.21

In this petition under Article 32 of the Constitution of India, 1950 (in short the 'Constitution') the petitioners have questioned legality of certain notifications purportedly issued by various States like Punjab and Haryana, Gujarat, Madhya Pradesh, Rajasthan, Orissa, Maharashtra, Karnataka and Uttar Pradesh under the provisions of Section 200 of the Motor Vehicles Act, 1988 (in short the 'Act'). Stand of the petitioners is that by the notifications certain acts outside the ambit of Section 200 of the Act have been covered, though those were committed in clear violation of mandate of Sections 113 and 114 read with Section 194 of the Act. The notifications have been issued which in effect condone the offence and permit its continuance though legally no such continuation could have been permitted. It is the stand of the petitioners that under the Act and the Rules made thereunder the maximum gross weight of the vehicles, more particularly, transport vehicles have been fixed. Both under the Motor Vehicles Act, 1939 (in short the 'Old Act') and the Act maximum gross weight for each axle of a truck in relation to the size and number of tyres fitted therein is prescribed. The Ministry of Surface and Transport was empowered by the Old Act and the Act to specify maximum gross weight and maximum weight of transport vehicles. Chapter VII of the Act deals with construction, equipment and maintenance of motor vehicles. Section 110 empowers the Central Government to make Rules in respect of several matters. Power has also been conferred to make Rules under Section 111. As a part of Chapter VII under the heading "Control of Traffic" the limits of weight and limitations on use have been prescribed under Section 113. Section 114 deals with the powers to have vehicle weighed. Section 194 makes driving of vehicles exceeding permissible limit an offence and consequences of contravention of the provisions contained in Sections 113, 114 and 115 have been

21 https://indiankanoon.org/doc/1375445/
set out. Section 200 deals with composition of certain offences under several sections including Section 194.

As noted above, stand of the petitioners is that what is permissible is composition of offences punishable under Section 194. It does not, however, permit continuance of the infraction after the compounding. Illustratively it is stated that when any person drives or allows to be driven in any public place any motor vehicle exceeding the specified weight (in terms of Section 113(3)) the excess weight has to be off-load at the cost of the transporter. But in essence notifications issued by State Government permit carriage of the excess weight after compounding.

The Union of India in its response has pointed out that when several notifications issued by various State Governments were brought to the notice of the Central Government, it resulted in anxious consideration by the officials of the Central Government. Several meetings were called and the State Governments were given suitable directions for withdrawal/modification of the notifications. Some of the States to whom notices were issued in the present case have filed counter-affidavits while others have orally submitted about action taken by them, on the basis of the discussions held at the meeting with the Central Government officials. We shall deal with the individual cases later on.

Sections 113, 114, 194 and 200 read as follows:

"113. Limits of weight and limitations on use (1) The State Government may prescribe the conditions for the issue of permits for [transport vehicles] by the State or Regional Transport Authorities and may prohibit or restrict the use of such vehicles in any area or route.

(2) Except as may be otherwise prescribed, no person shall drive or cause or allow to be driven in any public place any motor vehicle which is not fitted with pneumatic tyres.

(3) No person shall drive or cause or allow to be driven in any public place any motor vehicle or trailer

(a) the unladen weight of which exceeds the unladen weight specified in the certificate of registration of the vehicle, or
(b) the laden weight of which exceeds the gross vehicle weight specified in the certificate of registration.

(4) Where the driver of person in charge of a motor vehicle or trailer driven in contravention of sub-section (2) or clause

(a) of sub-section (3) is not the owner, a court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or trailer.

114. Power to have vehicle weighed: (1) Any officer of the Motor Vehicles Department authorized in this behalf by the State Government shall, if he has reasons to believe that a goods vehicle or trailer is being used in contravention of Section 113 require the driver to convey the vehicle to a weighing device, if any, within a distance of ten kilometers from any point on the forward route or within a distance of twenty kilometers from the destination of the vehicle for weighment; and if on such weighment the vehicle is found to contravene in any respect the provisions of Section 113 regarding weight, he may, by order in writing, direct the driver to off-load the excess weight at his own risk and not to remove the vehicle over trailer from that place until the laden weight has been reduced or the vehicle or trailer otherwise been dealt with so that it complies with Section 113 and on receipt of such notice, the driver shall comply with such directions.

(2) Where the person authorized under sub-section (1) makes the said order in writing, he shall also endorse the relevant details of the overloading on the goods carriage permit and also intimate the fact of such endorsement to the authority which issued that permit.

194. Driving vehicle exceeding permissible weight: (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of Section 113 or Section 114 or Section 115 shall be punishable with minimum fine of two thousand rupees and an additional amount of one thousand rupees per tonne of excess load, together with the liability to pay charges for off-loading of the excess load.
(2) Any driver of vehicle who refuses to stop and submit his vehicle to weighing after being directed to do so by an officer authorized in this behalf under Section 114 or removes or cause to removal of the load or part of it prior to weighing shall be punishable with fine which may extend to three thousand rupees.

200. Composition of certain offences: (1) Any offence whether committed before or after the commencement of this Act punishable under Section 177, Section 178, Section 179, Section 180, Section 181, Section 182, sub-section (1) or sub-section (2) of Section 183, Section 184, Section 186, Section 189, sub-section (2) of Section 190, Section 191, Section 191, Section 194, Section 196, or Section 198, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in official gazette, specify in this behalf.

(2) Where an offence has been compounded under sub-section (1) the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence."

Section 200 does not in any way authorize the State Government to permit the excess weight to be carried when on various inspection/detection it is noticed that there is carriage of load beyond the permissible limit. It only gives an opportunity of compounding so that instead of the amounts fixed, lesser amounts can be accepted by the authorised officers. The intention of uploading the excess weight is apparent from a bare reading of the Section 194(1). The liability to pay charge for uploading of the excess load is fixed on one who drives a vehicle or causes a motor vehicle to be driven in contravention of the provisions of Sections 113, 114 and 115. It is to be noted that compounding can be done either before or after the institution of the prosecution in respect of the enumerated offences. Any notification which runs counter to the clear import of Section 194 has no validity. As rightly submitted by learned counsel for the petitioners after compounding the excess load, same cannot be permitted to be carried in the concerned vehicle. Such carriage would amount to infraction of Section 113 of the Act. The object for which the maximum permissible weights have been fixed is crystal clear. On a
perusal of the provisions it is clear that the maximum gross weight (in short 'GVB') of the trucks is 16.2 tonnes which enables loading of about 9 tonnes. The load rating is primarily based on the road design, specifications of Indian roads. Rule 95(2) of the Central Motor Vehicles Rules, 1989 (in short 'the Central Rules') prescribes the principles which cover the fixation of GVB of the vehicles. The same reads as follows:

"Rule 95(2): The maximum gross vehicle weight and the maximum safe axle weight of each axle of a vehicle shall, having regard to the size, nature and number of types and maximum weight permitted to be carries by the types as per sub-rule (1), be i. Vehicle rating of the gross vehicle weight and axel weight respectively as duly certified by the testing agencies for compliance of the rule 126, or ii. the maximum vehicle weight and maximum safe axle weight of each vehicle respectively as notified by the Central Government, or iii. the maximum total load permitted to be carried by the tyre as specified in sub-rule (1) for the size and the number of the tyres fitted on the axles (s) of the vehicle.

The State of Gujarat has stated that though a system of special token was introduced, the same has been withdrawn after the discussion with the Central Government officers. It has been so stated in the counter-affidavit filed. Learned counsel for the State of Haryana has stated that though the counter affidavit has not been filed the notification which was earlier issued has been withdrawn. Learned counsel for the State of Orissa submitted that though there was earlier a scheme in operation the same has been withdrawn after discussion with Central Government officials on 13.10.2003. Learned counsel for the State of Maharashtra submitted that notification dated 24.6.1996 has been issued and at serial no.19 the limits of compounding charges have been indicated. It is, however, fairly accepted that the object of fixing the maximum weights has not been specifically taken care of. It was assured that proper notification keeping in view the object of Sections 113 and 114 shall be issued shortly. Similar is the stand of learned counsel for the State of Madhya Pradesh. Learned counsel for the State of U.P. submitted in the counter- affidavit filed by them the notification which was issued earlier has been withdrawn by notification dated 1st December, 2003. Learned counsel for the State of Rajasthan has candidly admitted that the notification issued has not been
withdrawn, but it shall be done forthwith. Similar is the position with the State of Karnataka.

It is to be noted that the constitutional validity of Section 194 and 200 were challenged. It was noted in P. Ratnakar Rao and others V. Govt. Of A.P. and others (1996 (5) SCC 359) that the discretion given under Section 200(1) to the State Government to prescribe maximum rates for compounding the offence is not unguided, uncanalised and arbitrary. It was, inter alia, held as follows:

"The contention raised before the High Court and repeated before us by Shri Rajeev Dhavan, the learned Senior Counsel for the petitioners is that the discretion given in Section 200(1) of the Act is unguided, uncanalised and arbitrary. Until an accused is convicted under Section 194, the right to levy penalty thereunder would not arise. When discretion is given to the court for compounding of the offence for the amount mentioned under Section 200, it cannot be stratified by specified amount. It would, therefore, be clear that the exercise of power to prescribe maximum rates for compounding the offence is illegal, arbitrary and violative of Article 14 of the Constitution. We find no force in the contention. For violation of Sections 113 to 115, Section 194 accords penal sanction and on conviction for violation thereof, the section sanctions punishment with fine as has been enumerated hereinbefore. The section would give guidance to the State Government as a delegate under the statute to specify the amount for compounding the offences enumerated under sub-section (1) of Section 200. It is not mandatory that the authorised officer would always compound the offence. It is conditional upon the willingness of the accused to have the offences compounded. It may also be done before the institution of the prosecution case. In the event of the petitioner's willing to have the offence compounded, the authorised officer gets jurisdiction and authority to compound the offence and call upon the accused to pay the same. On compliance thereof, the proceedings, if already instituted, would be closed or no further proceedings shall be initiated. It is a matter of volition or willingness on the part of the accused either to accept compounding of the offence or to face the prosecution in the
appropriate court. As regards canalisation and prescription of the amount of fine for the offences committed, Section 194, the penal and charging section prescribes the maximum outer limit within which the compounding fee would be prescribed. The discretion exercised by the delegated legislation, i.e., the executive is controlled by the specification in the Act. It is not necessary that Section 200 itself should contain the details in that behalf. So long as the compounding fee does not exceed the fine prescribed by the penal section, the same cannot be declared to be either exorbitant or irrational or bereft of guidance."

It is indisputable that the power of compounding vests with the State Government, but the notification issued in that regard cannot authorize continuation of the offence which is permitted to be compounded by payments of the amounts fixed. If permitted to be continued, it would amount to fresh commission of the offence for which the compounding was done. The State Governments which have not yet withdrawn the notifications shall do it forthwith. So far as the practical difficulties highlighted are concerned, it is for the State Governments concerned to make necessary arrangements to ensure that the difficulties highlighted can be suitably remedied by the State Government themselves without in any way overstepping statutory prescriptions.

The writ petition is accordingly disposed of with no order as to costs.

2.4.5 Writ Petition (Civil) No. 2076/2016 Ashish Gosain vs. Department of Transport and Ors. (Delhi High Court)²²

1. The petitioner has challenged the suspension order whereby his driving licence has been suspended under Section 19(1)(d) of the Motor Vehicles Act, 1988.

2. Factual matrix 2.1 The petitioner received a show cause notice dated 18th January, 2016 to show cause why he should not be disqualified for holding a driving licence under Section 19(1)(f) of the Motor Vehicles Act, 1988 read with Rule 21 of the Central Motor Vehicle Rules, 1989.

²² https://indiankanoon.org/doc/185307322/
The relevant portion of the notice dated 18th January, 2016 is reproduced hereunder:

"Show Cause Notice Whereas, it has been informed by the Dy. Commissioner of Police (Traffic) that you have been challaned for the violation of Section 112(1)/183(1) of Motor Vehicle Act, 1988 and requested this office to suspend your driving license as per the directions of the Hon'ble Supreme Court Committee on Road Safety.

And, Whereas, the undersigned the licensing authority is empowered to disqualify you from holding a driving license for a specific period or revoke such license under section 19(1)(f) of Motor Vehicles Act 1988 read with Rule 21 of the Central Motor Vehicle Rules, 1989.

And now, therefore in exercise of power conferred upon me in Motor Vehicles Act1988 and Rules framed thereunder, you are hereby given an opportunity of making any representation you may wish within 10 days of issuance of this SHOW CAUSE NOTICE, failing which it will be presumed that you have nothing to say on your part and the undersigned shall take action as per the provisions of Motor Vehicles Act and Rules framed thereunder."

2.2 The petitioner submitted the reply dated 27th January, 2016 in which the petitioner sought better particulars namely date/place of occurrence and nature of alleged offence to enable him to reply to the show cause notice. The petitioner also sought personal hearing before any decision is taken on the show cause notice. Relevant portion of the reply is reproduced hereunder:

"Please refer to your show cause notice No. MLO/SKK/15/794 dated 18.01.2016, received on 22.01.2016. The aforesaid show cause notice under reply refers to a challan for the violation of section 112.1/183(1) of Motor Vehicles Act, 1988.

However, detailed particulars of the date, place of occurrence and nature of offence have not been mentioned. In absence thereof, I am unable to effectively respond to the show cause notice."
You are, therefore, requested to kindly provide better particulars of the alleged violation, to enable me to respond to the show cause notice under reply.

Further, I would also request for a personal hearing before any such decision on the show cause notice under reply is taken by your goodself."

2.3 Vide order dated 11th February, 2016, the Motor Licensing Officer suspended the petitioner's licence for a period of six months under Section 19(1)(d) of the Motor Vehicles Act. Relevant portion of the suspension order is reproduced hereunder:

"Suspension Order In compliance of the direction by Hon'ble Supreme Court Committee on Road Safety to implement Road Safety Laws. The driving license of any person, who is prosecuted for the offence related to Over Speeding/Red Light Jumping/Over Loading in Goods Carriage/Carrying person in goods carriage/Driving vehicle under influence of liquor and drugs and using mobile phone while driving is to be suspended for a period of not less than 3 months.

And., whereas, the traffic police vide their letter No.970/Computer Centre/Traffic dt.22.12.2015 forwarded by the MLO(Ops.) vide letter No.DC/Ops./2014/part file/6215-30 dt.07/01/2016 to this office intimated that you were challan for the above offence.

Whereas, the undersigned is not satisfied with your reply received by this office and therefore, the undersigned, Hem Raj, MLO, Central Zone, Sarai Kale Khan, New Delhi-110013 is hereby suspended DL No.0619940099561 in respect of Sh. Ashish Gosain s/o Narendra Kumar under the provision of section 19(1)(d) of Motor Vehicle Act, 1988 for Six months. You are hereby cautioned not to drive the vehicle as your driving license has been blacklisted till completion of suspension process and you will be treated as without driving license and liable to any type of legal action. Since, driving license is the property of the State Govt., if a defaulter does not deposit the license, he/she is liable to prosecuted by a criminal case U/S 406 of IPC, which provides a penalty of imprisonment of a term which may extend to 03 years, or with fine or with both criminal breach of trust."
3. Grounds of challenge
3.1 The show cause notice dated 18th January, 2016 issued by respondent no.1 is invalid inasmuch as it does not provide the relevant particulars, namely, date/place of occurrence and nature of the offence alleged to have been committed by the petitioner. 3.2 Vide dated 27th January, 2016, the Petitioner sought better particulars and personal hearing. However, respondent no.1 did not furnish the relevant particulars sought for by the petitioner. 3.3 The respondent did not afford any opportunity of hearing to the petitioner which is mandatory under Section 19(1) of the Motor Vehicles Act.

3.4 No reasons have been recorded in the impugned order. Respondent no.1 did not consider the petitioner's objections. The impugned order is a cyclostyled form in which the name of the petitioner and his driving licence number has been filled up which shows non-application of mind.

3.5 The show cause notice dated 27th January, 2016 refers to Section 19(1)(f) of the Motor Vehicles Act whereas the licence has been suspended under Section 19(1)(d) of the Motor Vehicles Act, 1988.

3.6 The petitioner had compounded the alleged offence upon payment of fine of Rs.400/- and therefore, the suspension of licence for the same offence amounts to double jeopardy. Once the offence has been compounded by payment of challan, the offender stands discharged and no further proceedings can be taken against such a person. Any further proceedings under the Motor Vehicle Act after composition are expressly prohibited by Section 200(2) of Motor Vehicles Act. Reference is also made to sub-Section (8) of Section 320 of the Code of Criminal Procedure which clearly prescribes the effect of composition of an offence namely, the acquittal of the accused with whom the offence has been compounded. Reliance is placed on Principal Chief Conservator of Forests v. J.K. Johnson, (2011) 10 SCC 794.

4. Submissions of the respondents Mr. Rahul Mehra, learned senior standing counsel for Govt. of NCT of Delhi submits that the Supreme Court Committee on Road Safety has issued directions on 18th August, 2015 to the effect that the driving licences should be suspended for a period of not less than three months under Section 19 of the Motor Vehicles Act, 1988 read with Rule 21
of the Central Motor Vehicles Rules, 1989 in cases of driving at speed exceeding
the specified limit, red light jumping, carrying overload in good carriages,
carrying persons in good carriages, driving under the influence of liquor/drugs and
using mobile phone while driving. It is submitted that compounding of the offence
under Section 200 of the Motor Vehicles Act does not, in any manner, take away
the right of the Licensing Authority to suspend the licence under Section 19 of the
Motor Vehicles Act. Reference is made to Sections 183 and 184 of the Motor
Vehicles Act dealing with the offence of driving at excessive speed and driving
dangerously, respectively, which can be compounded under Section 200(1) of the
Motor Vehicles Act. Section 200 (2) of the Motor Vehicles Act provides that upon
compounding of the offence, no further proceeding shall be taken in respect of
such offence. However, the power to suspend the licence under Section 19 of the
Motor Vehicles Act upon satisfaction of the Licensing Authority with respect to
any of the conditions mentioned in Section 19(1)(a) to (h) is dehors the
compounding of the offence under Section 200 of the Motor Vehicle Act. It is
submitted that the respondents are complying with the directions of the Supreme
Court Committee on Road Safety. However, it is not disputed that the opportunity
of hearing has not been afforded to the petitioner.

5. Relevant provisions 5.1. Section 19 of the Motor Vehicles Act, 1988
"Section 19-Power of licensing authority to disqualify from holding a driving
licence or revoke such licence.

(1) If a licensing authority is satisfied, after giving the holder of a driving
licence an opportunity of being heard, that he -

(a) is a habitual criminal or a habitual drunkard; or

(b) is a habitual addict to any narcotic drug or psychotropic substance
within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985
(61 of 1985); or

(c) is using or has used a motor vehicle in the commission of a cognizable
offence; or
(d) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public; or

(e) has obtained any driving licence or a licence to drive a particular class or description of motor vehicle by fraud or misrepresentation; or

(f) has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or

(g) has failed to submit to, or has not passed, the tests referred to in the proviso to sub-section (3) of section 22; or

(h) being a person under the age of eighteen years who has been granted a learner's licence or a driving licence with the consent in writing of the person having the care of the holder of the licence and has ceased to be in such care, it may, for reasons to be recorded in writing, make an order -

(i) disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence; or

(ii) revoke any such licence.

(2) Where an order under sub-section (1) is made, the holder of a driving licence shall forthwith surrender his driving licence to the licensing authority making the order, if the driving licence has not already been surrendered, and the licensing authority shall, -

(a) if the driving licence is a driving licence issued under this Act, keep it until the disqualification has expired or has been removed; or

(b) if it is not a driving licence issued under this Act, endorse the disqualification upon it and send it to the licensing authority by which it was issued; or

(c) in the case of revocation of any licence, endorse the revocation upon it and if it is not the authority which issued the same, intimate the fact of revocation to the authority which issued that licence:
Provided that where the driving licence of a person authorizes him to drive more than one class or description of motor vehicles and the order, made under sub-section (1), disqualifies him from driving any specified class or description of motor vehicles, the licensing authority shall endorse the disqualification upon the driving licence and return the same to the holder.

(3) Any person aggrieved by an order made by a licensing authority under sub-section (1) may, within thirty days of the receipt of the order, appeal to the prescribed authority, and such appellate authority shall give notice to the licensing authority and hear either party if so required by that party and may pass such order as it thinks fit and an order passed by any such appellate authority shall be final."

(Emphasis supplied) 5.2. Rule 21 of the Central Motor Vehicles Rules, 1989 "Rule 21-Powers of licensing authority to disqualify. For the purpose of clause (f) of subsection (1) of section 19, the commission of the following acts by holder of a driving licence shall constitute nuisance or danger to the public, namely:--

6. Directions of the Supreme Court Committee on Road Safety 6.1. Directions dated 18.08.2015 of the Supreme Court Committee The Supreme Court Committee on Road Safety has issued directions dated 18th August, 2015 to the effect that the driving license should be suspended for not less than three months for high speed driving, carrying overload in goods carriage, carrying persons in goods carriage, drunken driving and using mobile funds while driving under Section 19 of the Motor Vehicles Act, 1988 read with Rule 21 of the Central Motor Vehicle Rules 1989. Relevant portion of the order dated 18th August, 2015 is reproduced hereunder:

"The Committee constituted by the Supreme Court of India to monitor and measure implementation of road safety laws in the country has had detailed discussions with the concerned Central Ministries and all the States/UTs on the trend of road accidents and fatalities. The data furnished by them have clearly established that the number of fatalities in India continues to be very high, causing serious emotional trauma and economic loss to the families of the deceased and the society. The compensation awarded to the victims by the Insurance Companies also runs into hundreds of crores of rupees every year.
2.4.6 M.C. Mehta vs. Union of India

It was stated in this case by hon'able justice Shri B Kirpal, Shri V Khare

On 28th July, 1998 this Court had directed, inter alia, that the entire fleet of city buses which are operating in Delhi be converted to single fuel CNG mode by 31st March, 2001. Despite this direction, given nearly 3 years ago, Government of Delhi's response has been extremely tardy, to say the least. No serious attention was paid to the order of the Court by the Administration and it appears that even the private operators got encouraged by this tardy response of the State Administration and they also did not take appropriate steps to comply with the order of the Court dated 28th July, 1998. It was after taking note of the submissions made at the bar, to mitigate to whatever extent possible, the hardship which the commuter public would have been put to, particularly the school going children, that on 26th March, 2001 certain relaxations were given by this Court. It was directed, inter alia, that all those vehicle 'who' have taken effective steps or shall take so by 31st March, 2001, for the purpose of either acquiring new buses which would operate on CNG fuel mode or to convert their existing buses to operate on CNG fuel mode could be granted permits/authorizations, after filing proper affidavits/undertakings in this Court, to ply their existing vehicles not more than eight years old, equal in number, till 30th September, 2001. This dispensation was also extended to other commercial vehicles which were required to switch over to CNG fuel mode. After our order dated 26th March, 2001, there was a great rush to file affidavits/undertakings in this court. The Registry of this Court received more than 27,000 affidavits/undertakings within about three days and with a view to cope with the rush, the officials of the Registry worked on those days till about midnight.

On 26th March, 2001, the Principal Secretary (Transport) Shri Ashok Pradhan had been authorised to issue permits/authorizations to all eligible transporters, in accordance with the stipulations contained in the order, to be operative till 30th September, 2001. On an application made by Delhi

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Administration on 30.3.2001, to permit assistance of four other officers to Mr. Pradhan, to issue the permits/authorizations, on the evening of 30th March, 2001 at an emergent sitting of the Court, necessary orders were made by us granting the prayer of the Administration to facilitate it to discharge its obligations.

Yesterday (3.4.2001) an application was filed (I.A. No. 107/2001) on behalf of Delhi Administration. At that time Mr. Kirit N. Raval, learned Addl. Solicitor General, who appeared both for the Delhi Administration and the Union of India, submitted that Delhi Administration was taking all steps to verify the affidavits/undertakings to issue necessary permits/authorisations, after proper satisfaction, but that it was a time consuming process. It is stated in the application that in the case of some autorickshaws, certain irregularities have also been noticed which require more caution and attention being paid before issuance of permits/authorizations to those vehicles to ply till 30th September, 2001. A prayer was accordingly made in the application to permit the plying of all such buses and other commercial vehicles, which are not more than 8 years old, where their owners had filed affidavit/undertakings indicating that they had placed firm orders for conversion to CNG or other clean fuel mode and had also filed applications in the prescribed form before the Transport Department for a period of 7 days, during which authorizations/permits could be prepared and issued.

At the request of Mr. Raval, we had directed that application (I.A. No. 107/2001) to be listed for consideration today.

On the matter coming up today, Mr. Kirit N. Raval, learned Addl. Solicitor General, concerned by the defiant attitude of Delhi Administration as disclosed in the media, has made the following statement in Court today.

"As a Law Officer of the country, I will no longer appeal for the Govt. of Delhi, which has decided to act contrary to the orders of the highest Court of the land. I will, however, continue to represent the Union of India.

The stand of the Union of India is two fold, (i) the plight of the suffering public should be appropriately mitigated by suitable extension of time, (ii) the Govt. of India strongly disapproves of the manner in which the Govt. of Delhi is seeking to solve the problem by defying the orders of the highest Court and not sorting them out within the constitutional frame-work."
We have recorded this statement and permit Mr. Raval not to appear for Delhi Administration. We appreciate the stand taken by the Union of India regarding the attitude of Delhi Administration.

Mr. S.W.A. Qadri, learned counsel appears for the Delhi Administration and submits that he has instructions from Delhi Administration, on whose behalf this application (I.A. No. 107/2001) seeking extension of time was filed, to withdraw the application. He submitted that steps are being taken by Delhi Administration to issue permits/authorizations after proper verification.

Mr. Harish N. Salve, learned Amicus Curiae, has filed an application seeking certain interim directions to cope with the situation arising out of delay in issuance of permits/authorizations by Delhi Administration. It is submitted by the learned Amicus, that notwithstanding the untenable stand taken by the Delhi Administration, as is apparent from the newspaper reports, many private transporters and others have taken effective steps to comply with the directions issued by this Court on 26th March, 2001 and have filed their affidavits/undertakings in this Court and also applied to the Transport Department for grant of permit/authorizations to ply their equal number of existing vehicles till 30th September, 2001 subject to the conditions contained in our order dated 26.3.2001. Mr. Salve further submits that since the number of affidavits/undertakings is quite large, the process of verification is taking time with the result that there is avoidable disruption of transport services causing hardship to the public in general and school going children in particular. It is submitted by Mr. Salve that directions as prayed for in the application be issued to mitigate hardships being suffered by the citizens, notwithstanding the withdrawal of application by the Delhi Administration (I.A. No. 107/2001).

Mr. Salve has submitted that the Transport Department of Delhi Administration be permitted to issue Provisional Permits valid upto 14.4.2001 to all those who have filed requisite affidavits and undertakings in this Court and have applied for grant of permit/authorisation in the prescribed form to the Transport Department.
In the fact situation, as existing today and taking note of the ground realities, showing a near breakdown of the transport system in Delhi, primarily due to inaction on the part of Delhi Administration to take timely effective steps, the request made by Mr. Salve commends to us. The citizens should not be made to suffer for Some bodiless follies. We, therefore, in partial modification of our order dated 26th March, 2001, direct that pending verification of the correctness of affidavits/undertakings, the Transport Department of Delhi Government may issue Provisional Certificates/authorizations, valid till 14.4.2001, to all those transporters who had filed the requisite affidavits/undertakings in this Court and have applied in the prescribed form to the Transport Department for grant of regular permits/authorizations. These Provisional Certificates/authorisations may be issued by such of the officials of the Transport Department as are authorised by Mr. Pradhan in that behalf to tide over the present situation.

We are distressed at certain reports which have appeared in the print and electronic media, exhibiting defiant attitude on the part of the Delhi Administration to comply with our orders. The attitude, as reflected in the newspapers/electronic media, if correct, is wholly objectionable and not acceptable. We have no doubt that all those concerned with Delhi Administration are aware of the provisions of Article 144 of the Constitution which reads, "144. Civil and judicial authorities to act in aid of the Supreme Court - all authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court."

As also of the consequence of deliberately flouting the orders of this Court and non-compliance with the above constitutional provision. However, before we consider the matter any further, we direct the Chief Secretary, Government of Delhi to place on affidavit, the stand of the Delhi Government insofar as implementation of the orders of this Court are concerned as also about the statements, if any, made by the Chief Minister, and Minister for Transport, Govt. of Delhi, outside the Legislative Assembly, as have appeared in the print and electronic media. The affidavit shall be filed within one week. The application filed by Mr. Salve as mentioned above, is consequently allowed. Application (I.A. No. 107/2001), filed by Delhi Administration is dismissed as withdrawn.
The learned Amicus Curiae has filed this application seeking certain directions in furtherance of the orders of this Court. Those directions essentially concern the recommendations made by Bhure Lal Committee which were accepted by this Court, requiring conversion of the entire city bus fleet to CNG mode. After hearing Mr. Salve, we direct:

(i) The Principal Secretary (Transport) of the Delhi Government shall compile all particulars relating to the organisations which have undertaken the job of supplying CNG vehicles or converting the existing vehicles to CNG mode, on the basis of which affidavits/undertakings have been filed by the transporters and obtain from those organisations confirmation as to the time frame in which the conversion/supply shall be effected by them.

(ii) We request the Bhure Lal Committee to examine the existing standards for CNG vehicles including conversion of vehicles to CNG mode and for the CNG refilling station and submit report to this Court for our consideration within four weeks.

On 26th March, 2001 we had issued directions to the D.T.C. for making available buses for schools as a condition precedent for plying their 1880 buses till 30.9.2001. Mr. M.L. Verma, learned senior counsel appearing for D.T.C. submits that as per directions issued by this Court, 860 buses (besides 126 standby buses) have been made available for school duties and that D.T.C. shall comply with the directions issued by this Court on 26.3.2001 in letter and spirit. We record the statement of Mr. Verma and would like to impress upon D.T.C. the necessity to ensure that entire contingent of 860 buses is actually made available for school duties. This step, in our opinion, would mitigate to some extent, hardships being faced by school children.

2.4.7 Direction of Hon'ble Supreme Court Committee on Road Safety to Union of India

The Hon’ble Supreme Court, vide its Order dated 22nd April 2014 in Writ Petition (C) No 295 of 2012 had constituted a Committee with the following composition to measure and monitor on behalf of the Court the implementation of various laws relating to road safety in respect of each State and the concerned Ministries / Deptts / Wings of the Central Govt:
(i) Hon’ble Mr. Justice K.S. Radhakrishnan : Chairperson
Judge, Supreme Court of India
(Effective from 15th May, 2014)

(ii) Mr. S. Sundar : Member
Distinguished Fellow, TERI
Former Secretary, Ministry of Surface
Transport, Government of India

(iii) Dr. (Mrs.) Nishi Mittal : Member
Ex. Chief Scientist, CRRI,
Formerly HoD, Traffic Engineering and
Safety (TES),
Central Road Research Institute

2. The Hon’ble Supreme Court had directed the concerned Ministries/Deptt/Wings of the Central Govt as well as the State Govts to submit their first Report to the Committee within 3 months from the date of the Order. The Supreme Court had also directed the Committee to undertake detailed scrutiny and examination of the Reports submitted by the Centre and the State Govts and submit its report to the Court within 3 months from the date of receipt of the Reports from the Centre and State Govts.

3. In pursuance to the above Orders of the Supreme Court, the Committee started functioning with effect from 15th May, 2014. In order to obtain from the Centre/States data/information on road safety in a structured format, the Committee drew up detailed Questionnaires.

The Hon’ble Supreme Court may consider directing these defaulting States to respond to the Questionnaire without further delay.

4. The Committee also issued a public notice through a Press Note on 11th July 2014 in the leading national and regional newspapers inviting suggestions from the public. So far, 140 letters have been received offering
comments/suggestions and these are being studied. The Committee also heard NGOs/Experts working in the field of road safety and other organizations on its own initiative or at the request of the parties. The Committee also had separate meetings with Dr S Rajasekaran, the petitioner in this case and his lawyer on their prayers to the Supreme Court and as to their expectations from the Hon’ble Court.

5. After receipt of responses from various States, the Committee proceeded to hold discussions with them in detail. The Committee has, so far, undertaken discussions with the following States:

<table>
<thead>
<tr>
<th>State/UT</th>
<th>Date of Meeting</th>
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<tbody>
<tr>
<td>(i) Delhi</td>
<td>22\textsuperscript{nd} Sept, 2014</td>
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<tr>
<td>(ii) Himachal Pradesh</td>
<td>22\textsuperscript{nd} Sept, 2014</td>
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<tr>
<td>(iii) Punjab</td>
<td>24\textsuperscript{th} Sept, 2014</td>
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<td>(iv) Rajasthan</td>
<td>24\textsuperscript{th} Sept, 2014</td>
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<td>(v) Chhattisgarh</td>
<td>26\textsuperscript{th} Sept, 2014</td>
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<td>(vi) Uttar Pradesh</td>
<td>14\textsuperscript{th} Oct, 2014</td>
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<tr>
<td>(vii) Uttrakhand</td>
<td>14\textsuperscript{th} Oct, 2014</td>
</tr>
<tr>
<td>(viii) Bihar</td>
<td>16\textsuperscript{th} Oct, 2014</td>
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</tbody>
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(Discussions with Odisha State was fixed for 16\textsuperscript{th} Oct, 2014, but was postponed on their request due to Cyclone in that State)

6. Responses from the Ministry of Road Transport & Highways (MoRTH), Ministry of Home Affairs (MHA) and Ministry of Health & Family Welfare (MoH&FW) were received on ..........respectively. The Committee has also received from MoRTH on ...... ....a report on the action taken on the assurances given by them in the Counter-Affidavit. These are being examined and a Report would be submitted to the Hon’ble Supreme Court after discussing the matter with them in detail.
7. The Committee undertook the detailed scrutiny and examination of the responses received from the various States and wherever required sought for additional information. Based on the detailed examination, the Committee decided to hold discussions with each of the State to identify the specific problems faced by them, review the action that they were taking to promote the road safety and to give them specific directions as to what the short term and long term measures they should be taking to reduce the road related injuries within a given time frame.

8. It has been the endeavour of the Committee to review in detail the arrangements for road safety on the 4 Es namely Engineering, Enforcement, Education and Emergency Care, and the action taken by them to address the gaps/correct defects within the agreed time frame and report the action taken to the Committee so that the Committee can measures and monitor the progress on a continuing basis. The Committee would submit a State-wise report to the Hon’ble Supreme Court after responses have been received from all the States and discussions have been held with them recommending the specific directives/orders that the Hon’ble Supreme Court may like to issue to the each State.

9. Nevertheless, on the basis of the review of responses received from States/UTs and the detailed discussions with them, the following deficiencies/lapses common to all the States are:

(i) Barring the States of Kerala, UP, Nagaland, no other State has Road Safety Policy committing the Government to the course of action to reduce the road related morbidity and mortality.

(ii) While States have set up Road Safety Council in response to an advice issued by the Govt. of India in 1988, these Councils have never met regularly to monitor road safety in their States.

(iii) None of the States has a lead agency responsible for coordinating actions of concerned departments/agencies of the Government to deal with the road safety.
Engineering

(i) No State conducts an audit to ensure that road safety standards are incorporated in the design, construction, operation and maintenance of the roads. While all the States accepted IRC guidelines in respect of safety standards in roads, these standards are not met and no action is taken against the owner of roads namely the government department or the Contractors.

(ii) The States do not have Road Safety Auditor to carry out audits.

(iii) There is no protocol for the identifying the Black Spots and taking corrective actions to rectify them. Black spots are identified on an ad-hoc basis and are not addressed within any specify time frame.

(iv) None of the States has adequate number of trained Vehicle Inspectors’ to examine and certify the road worthiness of transport/commercial vehicles which need to be examined and certified annually. The examination of road worthiness test is also entirely visual and not based on computer testing with minimum human intervention.

Enforcement

(i) The procedure for issue of permanent driving license is very lax and is not based on adequate testing of the applicant’s ability to drive a motor vehicle either in the field or on the designated track using sensors. States are now proposing to move in this direction, although progress has been slow. In some States as many as 60-90 licenses are issued by a Licensing Officer on each day showing that the testing procedure for issue of licenses is not rigorous and provides enormous opportunities for corruption.

(ii) The number of traffic police in each State is barely around __ to __ of the total police force and is wholly inadequate to deal with the violations of Motor Vehicle Act. For example in Delhi there are 7 policemen to monitor 10,000 vehicles.............
(iii) The Traffic police in the States do not also have adequate functional Alco-meters, breath-analysers, speed-guns, interceptors etc to monitor the traffic violations.

(iv) There is no effort on the part of the Transport Authority/Police to analyse the data on road accidents to see as to what are the accidents prone stretch of roads or the categories of accidents in order to prioritise the actions that they should be taking.

(v) While States have introduced the helmet laws, some of them have restricted application of these laws to urban areas and have not made it mandatory for the pillion riders to wear helmets. The implementation of the helmet laws is not being monitored effectively as a result a number of fatalities of two-wheelers driver/pillion is very high. Similarly, the law relating to seat belts and use of mobile phones are not being implemented effectively.

**Education**

(i) While the States undertake programmes to increase awareness of road safety, these programmes are not being carried out in a scientific and systematic manner.

(ii) The activities are undertaken on an ad-hoc manner and there has been no evaluation in any State of the strategy that had the maximum effect.

(iii) Road Safety Education and awareness is also restricted to school children and in some States to the drivers of heavy commercial vehicles. There are no programmes to educate other stakeholders like road traffic personnels, highway engineers, road safety auditors, traffic wardens etc.

**Emergency Care**

(i) None of the States has an adequate number of fully equipped Trauma Centres with adequate medical personnel.

(ii) While most States have ambulances provided by the Government, these ambulances are not equipped with required First Aid facilities and are not manned by trained para-medical staff. However, the ambulance services provided by the private sector like GVK EMRI in some States seems to be working satisfactorily.
9. The Hon’ble Supreme Court would thus observe that the States have not so far accorded the necessary importance and attention to road safety. The arrangements that exist in respect of institutional arrangements for road safety, engineering, enforcement, education and emergency care are inadequate. Unless each of these defects/lapses pointed out above are addressed in an effective and time bound manner, road related morbidity and mortality will continue to remain high in India. The Committee is emphasising a need to attend the gaps and lapses in a time bound manner and is monitoring the action being taken by the States. The Hon’ble Supreme Court may like to consider whether in addition to the action being taken by the Committee, the Court would issue directives to all the States to correct the above lapses.

The data collected by the States on road related injuries and fatalities does not follow a common approach. There are severe discrepancies between the data reported by the States and the data reported by the Government of India on road accidents. In the absence of correct collection and collation of data, the available data does not provide a true picture of road safety situation in India. It does not also enable States to prioritise action to deal with road safety.

The States did not also pay due importance to these meetings and sent all the concerned officers dealing with 4 Es for meeting with the Committee. As a result, the Committee was not able to obtain a comprehensive picture of the action being taken by the States. It was also evident from the responses submitted and the representation of the States that there was no coordination between different Depts within the States dealing with the road safety.

The Terms of Reference and functions of the present NRSC are as under:

(i) To advise on all matters pertaining to planning and coordination of policies, standards of safety in the road transport sector;

(ii) To formulate and recommend road safety programmes for implementation by State Road Safety Organizations as also other State Agencies in-charge of road transportation;

(iii) To suggest areas for research and development to improve safety aspects in the road transport sector including maintenance of statistics of road accidents and their analysis;
(iv) To generally oversee and monitor at the Central level, the road safety measures undertaken by State / UT agencies.

3. The National Road Safety Council (NRSC) was last constituted by the Ministry of Road Transport & Highways vide Gazette Notification dated 31.08.2015. The notifications in respect of the present are placed. The tenure of the co-opted institutional / individual members is for a period of two years from the date of issue of the Notification. The tenure of the non-official members / institutions of present NRSC will end on 30.08.2017. As per the Gazetted Notification, the NRSC meeting is to be held at least once a year.

4. So far, 16 meetings of NRSC have been held mostly in New Delhi except one in Shimla and another in Coimbatore. 7

**State Road Safety Council** is the body to promote road safety in the states. The States could constitute State Road Safety Council under the Chairmanship of Chief Minister/Transport Minister/Home Minister/Chief Secretary whosoever possible. Road Safety and Traffic Management Committee could be formed under the District Collector. The provisions were made to improve the situation on road safety by taking actionable decisions on the burning issue. But carelessness and disinterest of the States was evident with the fact that after 1989 Uttar Pradesh and Bihar constituted State Road Safety Council in 1995 and 1996 respectively. State Road Safety Council was constituted in the remaining states after 10 to 15 years which indicates that neither the Central Government nor the State governments understood the gravity of the issue.

The detailed status of the State Road Safety Council is illustrated in the table given hereunder.

**District Road Safety Committee** is to be chaired by the District Collector at each district of the state and is to be scheduled every quarter. All stakeholder departments/ institutions are the members of these meeting. Since the meetings are not being scheduled in many states while some states have not even constituted the committee, the Supreme Court Committee on Road safety has taken a serious view and directed the states to hold these meetings on monthly basis and report back to the committee with the decisions taken.

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