

THE NATIONAL ROAD SAFETY AND TRAFFIC MANAGEMENT
BOARD BILL, 2010

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THE SCHEDULE.

TO BE INTRODUCED IN LOK SABHA

Bill No. 59 of 2010

THE NATIONAL ROAD SAFETY AND TRAFFIC
MANAGEMENT BOARD BILL, 2010

A

BILL

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

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Road Safety and Traffic Management Board Act, 2010.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “Board” means the National Road Safety and Traffic Management Board established under sub section (1) of section 3;

(b) “Chairperson” means the Chairperson of the Board appointed under sub-section (3) of section 3;

(c) “mechanically propelled vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes trailers, but excludes cycles, cycle rickshaws and vehicles pulled by animals or humans;

(d) “Member” means a Member of the Board and includes the Chairperson;

(e) “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; 48 of 1956.

(f) “notification” means a notification published in the Official Gazette and the expression “notified” with its cognate and grammatical variations shall be construed accordingly;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “regulations” means regulations made by the Board under this Act;

(i) “Schedule” means the Schedule appended to this Act.

(2) Words and expressions used and not defined in this Act but defined in the National Highways Act, 1956 or the Motor Vehicles Act, 1988 or the National Highways Authority of India Act, 1988 or the Central Road Fund Act, 2000 shall have the meanings respectively assigned to them in those Acts. 48 of 1956.
59 of 1988.
68 of 1988.
54 of 2000.

CHAPTER II

NATIONAL ROAD SAFETY AND TRAFFIC MANAGEMENT BOARD

Establishment
of National
Road Safety
and Traffic
Management
Board.

3. (1) The Central Government shall, by notification, establish a Board to be known as “the National Road Safety and Traffic Management Board” to exercise the powers conferred on it and to perform the functions assigned to it under this Act.

(2) The Board shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The Board shall consist of a Chairperson, and five Members, to be appointed by the Central Government on the recommendation of the Selection Committee constituted under section 5.

(4) The head office of the Board shall be at the National Capital Region.

Qualifications for
appointment
of Chairperson
and other
Members.

4. (1) The Chairperson shall be a person of eminence with ability, integrity and outstanding calibre who has adequate knowledge and, professional experience in administration and road transport.

(2) The Members shall be persons of ability, integrity and outstanding calibre and shall be chosen one each from amongst persons having experience in the fields of—

(a) road design, engineering or construction;

(b) automobile engineering or technology;

(c) data collection and analysis, accident investigation, research, finance or administration;

(d) traffic management, road user behaviour strategies or road safety education;

(e) trauma care and rehabilitation.

(3) The Chairperson or the Member shall not hold any other office during the period of holding his office as such.

(4) The Central Government shall, within a period of two months from the date of occurrence of any vacancy in the office of the Chairperson or Member, by reason of death, resignation or removal of the Chairperson or a Member and six months before the superannuation or completion of the term of office of the Chairperson or a Member, make a reference to the Selection Committee constituted under section 5 for filling up of such vacancy.

5. (1) The Central Government shall, for the purposes of selection of the Chairperson and Members constitute a Selection Committee.

Selection Committee for selection of Chairperson and Members.

(2) The composition of Selection Committee and its terms and conditions shall be such as may be prescribed.

(3) No appointment of the Chairperson or Member of the Board shall be invalid merely by reason of any vacancy in the Selection Committee.

6. (1) The Board shall, in relation to the road safety and traffic management in relation to the national highways, discharge the functions and exercise the following powers, namely:—

Functions of Board.

(a) recommend minimum design, construction, operation and maintenance standards for the national highways;

(b) recommend minimum standards for establishing and operating trauma facilities and para-medical facilities for dealing with traffic related injuries on the national highways;

(c) conduct or cause to be conducted safety audits to monitor compliance with the standards notified by the Central Government;

(d) make recommendations or issue guidelines relating to standards for design, construction, operation and maintenance of the national highways.

(2) Notwithstanding anything to the contrary contained in the Motor Vehicles Act, 1988 or any other law for the time being in force, the Board shall, in relation to mechanically propelled vehicles, exercise the power and discharge the following functions, namely:—

(a) recommend minimum safety requirements and standards for the design and manufacture of mechanically propelled vehicles;

(b) recommend minimum conditions for safe usage of mechanically propelled vehicles including specifying the maximum load bearing and capacity limits;

(c) conduct or cause to be conducted safety audits to monitor compliance with the standards notified by the Central Government;

(d) recommend standards for vehicular traffic on the national highways including the schemes for segregation of various classes of vehicles in separate speed lanes and their right of way.

(3) Without prejudice to the provisions of sub-sections (1) and (2), the Board shall, in relation to the national highways and mechanically propelled vehicles, also exercise the power and discharge the following functions, namely:—

(a) conduct or cause to be conducted research in different spheres of road safety and traffic management and publish the findings thereof;

(b) establish the procedure and methodology for data collection, transmission and analysis at appropriate levels, and define the role of different agencies involved in the process;

(c) establish procedures and centres for multi-disciplinary crash investigation;

(d) make recommendations or issue guidelines relating to safety features for vehicles other than mechanically propelled vehicles and for safe operating conditions for such vehicles;

(e) make recommendations or issue guidelines for building capacity and skills in the traffic police, hospitals, highway authorities, educational and research organisations and other organisations dealing with road safety and traffic management;

(f) promote relevant practices in road safety and traffic management, undertake road safety and traffic education programs, and conduct campaigns to create awareness amongst all sections of road users, children and students on matters relating to road safety;

(g) involve non-government organisations working in the area of road safety and traffic management, and assist them in promotion of efficient traffic management and road safety;

(h) provide for the special requirements for women, children, senior citizens, disabled persons and pedestrians relating to road safety and traffic management;

(i) advise the Central Government in matters relating to or arising out of traffic management on the national highways and the mechanically propelled vehicles for the purposes of ensuring road safety;

(j) advise the Central Government on administration of the provisions relating to safety as contained in Chapters II, IV, V, VII, VIII and XIII of the Motor Vehicles Act, 1988 and the rules made thereunder;

59 of 1988.

(k) liaise with other agencies such as education boards and institutions, Director-General of health services and non-government organisations in matters relating to road safety and traffic management;

(l) any other measures necessary for the purpose of giving effect to the purposes of this Act.

(4) Nothing contained in sub-sections (1), (2) and (3) shall be construed or interpreted as conferring on the Board, the power and jurisdiction in respect of matters relating to public order, roads other than national highways and vehicles other than mechanically propelled vehicles and the matters in respect of which specifically provided under the Motor Vehicles Act, 1988 or National Highways Act, 1956.

59 of 1988.
48 of 1956.

Term of office,
conditions of
service, etc., of
Chairperson
and other
Members.

7. (1) The Chairperson and other Members shall hold office for a term of five years from the date on which they enter upon their offices or until they attain the age of sixty-five years, whichever is earlier.

(2) The salary and allowances payable to, and the other terms and conditions of

service (including pension, gratuity and other retirement benefits) of, the Chairperson and the other Members shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or other Members shall be varied to his disadvantage after appointment.

(3) The Chairperson or other Member may resign from his office by giving notice thereof in writing to the Central Government and on such resignation being accepted, the Chairperson or such other Member shall be deemed to have vacated his office.

(4) The Chairperson or any other Member, upon ceasing to hold office as such, shall not accept any commercial employment for a period of one year from the date he ceases to hold such office.

Explanation.—For the purposes of this section, “commercial employment” means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business and includes also a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant in the field of road design, engineering or construction, traffic management, automobile industry, transport and road safety equipment manufacturing.

8. (1) Notwithstanding anything contained in sub-section (3) of section 7, the Central Government may, by order, remove from office, the Chairperson or any other Member, if he —

Removal of
Chairperson
or any other
Member from
office.

(a) has been adjudged as insolvent ; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude ; or

(c) has become physically or mentally incapable of acting as a Member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member ; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(f) has consistently failed to discharge his duties or has been absent from the meetings of the Board for a continuous period of six months.

(2) No Chairperson or other Member shall be removed from office under clause (d) or clause (e) or clause (f) of sub-section (1), unless the Central Government, after holding an inquiry by any person appointed or authority constituted for the purpose and in accordance with such procedure as may be prescribed, is satisfied that such Chairperson or other Member ought, on such ground or grounds, be removed.

(3) In the event of inquiry instituted under sub-section (2), the Central Government may suspend such Chairperson or other Member against whom inquiry has been instituted for a period not exceeding six months if it consider necessary in public interest.

9. (1) The Board shall meet at least once in every month and at such times and places, and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be specified by regulations.

Meetings of
Board.

(2) The Chairperson or, if he is unable to attend a meeting of the Board, the senior-most Member present, reckoned from the date of appointment to the Board shall preside at such meeting:

Provided that in the case of common date of appointment of Members, the Member senior in age shall be considered as senior to the other Members.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding over the meeting shall have a second or casting vote.

(4) All orders and decisions of the Board shall be authenticated by the Chairperson or any other officer of the Board so authorised by the Chairperson.

Vacancies,
etc., not to
invalidate
proceedings
of the Board.

10. No act or proceeding of the Board shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board; or

(b) any defect in the appointment of a person acting as a Member of the Board; or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

Officers
and other
employees
of the Board.

11. (1) The Central Government shall, after consultation with the Chairperson, determine the nature and categories of the officers and other employees required to assist the Board in the discharge of its functions and provide such Board with such officers and other employees as it may think fit.

(2) The officers and other employees of the Board shall discharge their functions under the general superintendence of the Chairperson.

(3) The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the officers and other employees of the Board shall be such as may be prescribed.

(4) The Board may appoint consultants required to assist in the discharge of its functions on such terms and conditions as may be specified by regulations.

Advisory
Committee.

12. (1) The Board may, by notification, constitute an Advisory Committee consisting of not more than thirty-one members to represent the interests of road users, construction industry, transport industry, automobile manufacturers, and relevant non-government organisations and academic and research bodies.

(2) The Chairperson and the other Members of the Board shall be *ex officio* Chairperson and *ex officio* members respectively of the Advisory Committee.

(3) The Chairperson, if for any reason, is unable to attend a meeting of the Advisory Committee, the senior-most Member shall preside at the meeting.

(4) The Advisory Committee shall meet at such times and places, and observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meeting) as may be specified by regulations.

Functions of
Advisory
Committee.

13. The functions of the Advisory Committee shall be to advise the Board on—

(a) questions of policy;

(b) matters relating to quality, continuity, reliability and extent of road safety and traffic management; and

(c) protection of road users interest.

14. Where the Board considers it expedient so to do, it may, by order in writing call upon any government or non-government agency working in the field of road safety and traffic management to furnish in writing such information, in such form and manner as may be specified by regulations, relating to its affairs as the Board may require.

Power to call for information.

15. The Central Government may, in consultation with the National Highways Authority of India, notify the standards recommended by the Board under section 6.

Central Government to notify standards.

CHAPTER III

FINANCE, ACCOUNTS AND AUDIT

16. The Central Government may, after due appropriation made by Parliament in this behalf, make to the Board, grants and loans of such sums of money as the Central Government may consider necessary.

Grants and loans by Central Government.

17. (1) There shall be constituted a Fund to be called the National Road Safety and Traffic Management Fund and there shall be credited thereto—

National Road Safety and Traffic Management Fund.

(i) one per cent. of the revenue from the cess on diesel and gasoline allocated under section 10 of the Central Road Fund Act, 2000 for national highways and rail and road overbridges;

(ii) any grants and loans made to the Board by the Central Government under section 16; and

(iii) all sums received by the Board from such other sources as may be decided upon or approved by the Central Government.

(2) The Fund shall, subject to the provisions of sub-section (3), be applied for making payments towards—

(a) the salary, allowances and other remuneration of the Chairperson, other Members, officers and other employees of the Board;

(b) the expenses of the Board in the discharge of its functions under section 6; and

(c) the other expenses of the Board in connection with the discharge of its functions and for the purposes authorised by this Act.

(3) The Central Government shall, on the recommendations of the Board and in consultation with the Comptroller and Auditor-General of India, apply the Fund for meeting the expenses referred to in clause (b) or clause (c) of sub-section (2) in such manner as may be prescribed.

18. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit of Board.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books of account, connected

vouchers and other documents and papers and to inspect any of the offices of the Board.

(4) The accounts of the Board, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid, as soon as it is received, before each House of Parliament.

Budget.

19. The Board shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

Annual and other reports.

20. (1) The Board shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

(2) The Central Government shall cause the annual report and auditors report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER IV

PENALTIES

Penalties.

21. (1) Whoever, responsible for maintaining the standards for design or construction or operation for national highways, fails to comply with the standards of design or construction or operation for national highways notified by the Central Government under section 15 of this Act, shall be liable to a penalty which may extend to ten lakh rupees and, in the case of continuing failure, with an additional penalty which may extend to three lakh rupees for every month or part thereof during which such failure continues.

(2) Whoever, responsible for the maintaining the standards for design or manufacture or operation of any mechanically propelled vehicle, fails to comply with the standards for design or manufacture of any mechanically propelled vehicle notified by the Central Government under any law for the time being in force shall be liable to a penalty which may extend to ten lakh rupees and, in the case of continuing failure, with an additional penalty which may extend to three lakh rupees for every month or part thereof during which such failure continues.

(3) Whoever fails to furnish the information required pursuant to section 14, or wilfully furnishes or causes to be furnished any information or return which he knows to be false or incorrect in material particulars, shall be liable to a penalty which may extend to one thousand rupees and, in the case of continuing failure, with an additional penalty which may extend to five hundred rupees for each day after the first day during which such failure continues.

Cognizance of offences.

22. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Board or any officer authorised by it.

(2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act.

Composition of offences.

23. (1) Any offence committed after the commencement of this Act punishable under section 21, may before institution of the prosecution, be compounded by such officers or Authority and for such amount as the Central Government may prescribe.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against him in respect of such offence.

(3) All sums realised by way of compounding of offences under this section shall be credited to the Consolidated Fund of India.

CHAPTER V

MISCELLANEOUS

24. The Board may by a special or general order delegate to the Chairperson or any other Member or any officer of the Board, subject to such conditions and limitations, if any, as may be specified in that order, such of its administrative or financial powers and functions under this Act [except the powers and functions under sub-sections (1), (2) and (3) of section 6 and section 32] as it may consider necessary. Delegation.

25. (1) Without prejudice to the foregoing provisions of this Act, the Board shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on question of policy, as the Central Government may give in writing to it from time to time: Power of Central Government to issue directions.

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

26. (1) If, at any time the Central Government is of the opinion,—

(a) that, on account of circumstances beyond the control of the Board, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or Power of Central Government to supersede Board.

(b) that the Board has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Board or the administration of the Board has suffered; or

(c) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification, supersede the Board for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the Central Government may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Board to make representations against the proposed supersession and shall consider the representations, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1) superseding the Board,—

(a) the Chairperson and other Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Board shall, until the Board is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and

(c) all properties owned or controlled by the Board shall, until the Board is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Board by a fresh appointment of its Chairperson and other Members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for reappointment.

(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

Chairperson, Members, etc., to be public servant.

27. The Chairperson, other Members, officers and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken in good faith.

28. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Board or any officer of the Central Government or any Member, officer or other employees of the Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Act to have overriding effect.

29. Save as otherwise provided, the provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Application of certain laws.

30. The provisions of this Act shall be in addition to the provisions of the Motor Vehicles Act, 1988 or the National Highways Authority of India Act, 1988 or any other law for the time being in force.

59 of 1988.
68 of 1988.

Power of Central Government to make rules.

31. (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the composition of the Selection Committee and its terms and conditions under sub-section (2) of section 5;

(b) the salaries and allowances payable to, and the other conditions of service (including pension, gratuity and other retirement benefits) of, the Chairperson and the other Members under sub-section (2) of section 7;

(c) the procedure of inquiry for removal of the Chairperson or Members under sub-section (2) of section 8;

(d) the salaries and allowances payable to and the other conditions of service (including pension, gratuity and other retirement benefits) of the officers and staff of the Board under sub-section (3) of section 11;

(e) the manner in which the Fund shall be applied for the purposes of clause (b) or clause (c) of sub-section (2) of section 17 by the Board under sub-section (3) of that section;

(f) the manner in which the accounts of the Board shall be maintained under sub-section (1) of section 18;

(g) the form in which, and the time at which in each financial year at which, the budget of the Board shall be prepared under section 19;

(h) the form, time and manner in which the annual report of the Board shall be prepared under sub-section (1) of section 20;

(i) the officer or authority and the amount for the purpose of composition of offences under section 23;

(j) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

Power of Board to make regulations.

32. (1) The Board may, by notification, make regulations, with the prior approval of the Central Government, consistent with this Act and the rules made thereunder, to carry out the provisions of this Act.

(2) The Board shall publish a draft of each regulations proposed to be made under this section, in the Official Gazette, and in such other manner as it may deem fit, to provide an opportunity to persons affected or likely to be affected by such regulations to make suggestions or objections and upon receiving such suggestions and objections within the period stipulated by the Board, consider the same before notifying the regulations, with or without modifications.

(3) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the time and places of meetings of the Board and the procedure in regard to transaction of business at such meetings (including quorum at meetings) under sub-section (1) of section 9;

(b) the terms and conditions on which the Board may appoint consultants under sub-section (4) of section 11;

(c) the time and place of meetings of the Advisory Committee and the procedure in regard to transaction of business of such meetings (including quorum at meetings) under sub-section (4) of section 12;

(d) the information which, and the form and manner in which such information, may be called for by the Board under section 14;

(e) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be or may be made by regulations.

33. Every rule made by the Central Government and every regulation made by the Board, under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Laying of
rules and
regulations.

34. The enactments specified in Parts I, II and III of the Schedule to this Act shall be amended in the manner specified therein and such amendments shall take effect on the date of establishment of the Board.

Amendment
of certain
enactments.

35. (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as it may deem necessary for removing the difficulty:

Power to
remove
difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each house of Parliament.

THE SCHEDULE

(See section 29)

PART I

AMENDMENTS TO THE MOTOR VEHICLES ACT, 1988

(59 OF 1988)

Amendment of section 109. **1.** In section 109, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Nothing contained in this section, so far as it is contrary to the provisions of the National Road Safety and Traffic Management Board Act, 2010, shall, on and after the commencement of the National Road Safety and Traffic Management Board Act, 2010, apply to the mechanically propelled vehicles.

Explanation.— For the purposes of this section, the “mechanically propelled vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes trailers, but excludes cycles, cycle rickshaws and vehicles pulled by animals or humans.”.

Amendment of section 110. **2.** In section 110, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The Central Government shall, while making rules under this section, take into the consideration the recommendations made by the National Road Safety and Traffic Management Board relating to standards for mechanically propelled vehicles under section 6 of the National Road Safety and Traffic Management Board Act, 2010.”.

Amendment of section 111. **3.** In section 111, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The State Government shall, while making rules under this section, take into the consideration the recommendations made by the National Road Safety and Traffic Management Board relating to standards for mechanically propelled vehicles under section 6 of the National Road Safety and Traffic Management Board Act, 2010.”.

PART II

AMENDMENT TO THE NATIONAL HIGHWAYS AUTHORITY OF INDIA ACT, 1988

(68 OF 1988)

Amendment of section 16. In section 16, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The Authority shall, while discharging functions under this section, take into the consideration the recommendations made by the National Road Safety and Traffic Management Board relating to standards for national highways under section 6 of the National Road Safety and Traffic Management Board Act, 2010.”.

PART III

AMENDMENTS TO THE CENTRAL ROAD FUND ACT, 2000

(54 OF 2000)

Amendment of section 7. **1.** In section 7, after clause (v), the following clause shall be inserted, namely:—

“(vi) for disbursement to the National Road Safety and Traffic Management Fund constituted under sub-section (1) of section 17 of the National Road Safety and Traffic Management Board Act, 2010.”.

2. In section 9, in sub-section (I), in clause (c), for sub-clauses (iii) and (iv), the following sub-clauses shall be substituted, namely:— Amendment of section 9.

“(iii) state roads;

(iv) construction of roads either under or over the railways by means of a bridge and erect suitable safety works at unmanned rail-road level crossings;

(v) road safety and traffic management under the National Road Safety and Traffic Management Board Act, 2010.”.

3. In section 10, in sub section (I), in clause (viii), in sub-clause (b), the following proviso shall be inserted, namely:— Amendment of section 10.

“ Provided that one per cent of the amount referred to in items (i) and (ii) shall be credited to the National Road Safety and Traffic Management Fund constituted under sub-section (I) of section 17 of the National Road Safety and Traffic Management Board Act, 2010.”

STATEMENT OF OBJECTS AND REASONS

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

2. The number of vehicles in India has been increasing at an average growth rate of ten per cent. per annum since last few years. The total number of vehicles as on the 31st March, 2006 is about nine crores as against three lakh vehicles in the year 1951. India has also taken up an ambitious project of upgrading its National Highways under various phases of National Highways Development Project. Broadening of National Highways to four to six lanes and construction of Expressways under this project has already progressed to a large extent. This has resulted in both volume and speed in traffic flow. At the same time, it also raises serious concerns about road safety.

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

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

5. Based on the recommendations of the aforesaid Committee, the National Road Safety and Traffic Management Board Bill, 2010 has been prepared. The salient features of the Bill, *inter alia*, are as under:—

(a) the National Road Safety and Traffic Management Board shall consist of a Chairperson who shall be a person of **eminence with** ability, integrity and outstanding calibre who has **adequate** knowledge and professional experience in administration and road transport and five members to be chosen one each from amongst persons having experience in the fields of road design, engineering or construction; automobile

engineering or technology; data collection and analysis, accident investigation, research, finance or administration; traffic management, road user behaviour strategies or road safety education; and trauma care and rehabilitation;

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

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

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

(iii) without prejudice to aforesaid, in relation to the national highways and mechanically propelled vehicles, establish procedures and centres for multi-disciplinary crash investigation; make recommendations or issue guidelines relating to safety features for vehicles other than mechanically propelled vehicles and for safe operating conditions for such vehicles; promote relevant practices in road safety and traffic management, undertake road safety and traffic education programs, and conduct campaigns to create awareness amongst all sections of road users, children and students on matters relating to road safety; involve non-government organisations working in the area of road safety and traffic management, and assist them in promotion of efficient traffic management and road safety; provide for the special requirements for women, children, senior citizens, disabled persons and pedestrians relating to road safety and traffic management; advise the Central Government in matters relating to or arising out of traffic management on the national highways and the mechanically propelled vehicles for the purposes of ensuring road safety; advise the Central Government on administration of the provisions relating to safety as contained in Chapters II, IV, V, VII, VIII and XIII of the Motor Vehicles Act, 1988 and the rules made thereunder.

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

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

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

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

6. The notes on clause explain the provisions contained in the Bill.

7. The Bill seeks to achieve above objectives.

NEW DELHI;
The 16th April, 2010.

KAMAL NATH

Notes on clauses

Clause 2 provides for definitions of various expressions used in the proposed legislation. Such expressions *inter alia* include "Board", "mechanically propelled vehicle", "national highways", "notification", "prescribed", "regulations" and "Schedule", etc.

It further provides that words and expressions used and not defined in the proposed legislation but defined in the National Highways Act, 1956 or the Motor Vehicles Act, 1988 or the National Highways Authority of India Act, 1988 or the Central Road Fund Act, 2000 shall have the meanings respectively assigned to them in those Acts.

Clause 3 provides for the establishment of the National Road Safety and Traffic Management Board. It provides that the Central Government shall, by notification, establish a Board to be known as "the National Road Safety and Traffic Management Board" to exercise the powers conferred on it and to perform the functions assigned to it under the proposed legislation.

It further provides that the Board shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

It also provides that the Board shall consist of a Chairperson, and five Members, to be appointed by the Central Government on the recommendation of the Selection Committee constituted under clause 5.

It also provides that the head office of the Board shall be at the National Capital Region.

Clause 4 makes provision for the qualifications for appointment of the Chairperson and other Members of the Board. It provides that the Chairperson shall be a person of eminence with ability, integrity and outstanding calibre who has knowledge and, professional experience in administration and road transport.

It further provides that the Members shall be persons of ability, integrity and outstanding calibre and shall be chosen one each from amongst persons having experience in the fields of—(a) road design, engineering or construction; (b) automobile engineering or technology; (c) data collection and analysis, accident investigation, research, finance or administration; (d) traffic management, road user behaviour strategies or road safety education; (e) trauma care and rehabilitation.

It also provides that the Chairperson or the Member shall not hold any other office during the period of holding his office as such.

It also provides that the Central Government shall, within a period of two months from the date of occurrence of any vacancy in the office of the Chairperson or Member, by reason of death, resignation or removal of the Chairperson or a Member and six months before the superannuation or completion of the term of office of the Chairperson or a Member, make a reference to the Selection Committee constituted under section 5 for filling up of such vacancy.

Clause 5 provides for the Selection Committee for selection of Chairperson and Members. It provides that the Central Government shall, for the purposes of selection of the Chairperson and Members constitute a Selection Committee. It further provides that the composition and terms and conditions of Selection committee shall be prescribed by rules.

It also provides that no appointment of the Chairperson or Member of the Board shall be invalid merely by reason of any vacancy in the Selection Committee.

Clause 6 provides for powers and functions of the Board. It provides that the Board shall, in relation to the road safety and traffic management in relation to the national highways, discharge the functions and exercise the powers to recommend minimum standard for design, construction, operation and maintenance of the national highways; recommend minimum standards for establishing and operating trauma facilities and para-medical facilities for dealing with traffic related injuries on the national highways; conduct or cause to be conducted safety audits to monitor compliance with the standards notified by the Central Government; and make recommendations or issue guidelines relating to design, construction, operation and maintenance standards for the national highways.

It further provides that notwithstanding anything to the contrary contained in the Motor Vehicles Act, 1988 or any other law for the time being in force, the Board shall, in relation to mechanically propelled vehicles, exercise the power and discharge the functions to recommend minimum safety requirements and standards for the design and manufacture of mechanically propelled vehicles; recommend minimum conditions for safe usage of mechanically propelled vehicles including specifying the maximum load bearing and capacity limits; conduct or cause to be conducted safety audits to monitor compliance with the standards notified by the Central Government; and recommend standards for vehicular traffic on the national highways including the schemes for segregation of various classes of vehicles in separate speed lanes and their right of way.

It also provides that without prejudice to the provisions of sub clauses (1) and (2), the Board shall, in relation to the national highways and mechanically propelled vehicles, also exercise the power and discharge the functions, enumerated to in sub-clause (3).

It also provides that nothing contained in sub-clauses (1), (2) and (3) shall be construed or interpreted as conferring on the Board, the power and jurisdiction in respect of matters relating to public order, roads other than national highways and vehicles other than mechanically propelled vehicles and the matters in respect of which specifically provided under the Motor Vehicles Act, 1988 or the National Highways Act, 1956.

Clause 7 makes provisions for the term of office, conditions of service, etc., of the Chairperson and other Members of the Board. It provides that the Chairperson and other Members shall hold office for a term of five years from the date on which they enter upon their offices or until they attain the age of sixty-five years, whichever is earlier.

It further provides that the salary and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairperson and the other Members shall be such as may be prescribed but neither the salary and allowances nor the other terms and conditions of service of the Chairperson or other Members shall be varied to his disadvantage after appointment.

It also provides that the Chairperson or other Member may resign from his office by giving notice thereof in writing to the Central Government and on such resignation being accepted, the Chairperson or such other Member shall be deemed to have vacated his office and the Chairperson or any other Member, upon ceasing to hold office as such, shall not accept any commercial employment for a period of one year from the date he ceases to hold such office.

It also provides for the explanation of the term "commercial employment" for the purposes of this clause so as to mean the employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business and includes also a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant in the field of road design, engineering or construction, traffic management, automobile industry, transport and road safety equipment manufacturing.

Clause 8 makes provisions for removal and suspension of the Chairperson or any other member from office. It provides that notwithstanding anything contained in sub-clause (3) of clause 7, the Central Government may, by order, remove from office, the Chairperson or any Member on any of the grounds enumerated in this clause.

It further provides that no Chairperson or other Member shall be removed from office under clauses (d) or (e) or (f) of sub-clause (1), unless the Central Government, after holding an inquiry by any person appointed or authority constituted for the purpose and in accordance with such procedure as may be prescribed, is satisfied that such Chairperson or Member ought on such ground or grounds be removed.

It also empowers the Central Government that in the event of inquiry instituted under sub-clause (2), it may suspend such Chairperson or other Member against whom inquiry has been instituted for a period not exceeding six months if it consider necessary in public interest.

Clause 9 makes provisions for meetings of the Board. It provides that the Board shall meet at least once in every month and at such times and places, and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be specified by regulations.

It further provides that the Chairperson or, if he is unable to attend a meeting of the Board, the senior-most Member present, reckoned from the date of appointment to the Board shall preside at such meeting.

It also provides that all questions which come up before any meeting of the Board shall be decided by a majority of the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding the meeting shall have a second or casting vote and all orders and decisions of the Board shall be authenticated by the Chairperson or any other officer of the Board so authorised by the Chairperson.

Clause 10 provides that no act or proceeding of the Board shall be invalid merely by reason of any vacancy in, or any defect in the constitution of, the Board; or any defect in the appointment of a person acting as a Member of the Board; or any irregularity in the procedure of the Board not affecting the merits of the case.

Clause 11 makes provision for officers and other employees of the Board. It provides that the Central Government shall, after consultation with the Chairperson, determine the nature and categories of the officers and other employees required to assist the Board in the discharge of its functions and provide such Board with such officers and other employees as it may think fit and the officers and other employees of the Board shall discharge their functions under the general superintendence of the Chairperson.

It further provides that the salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the officers and other employees of the Board shall be such as may be prescribed.

It also empowers the Board to appoint consultants required to assist in the discharge of its functions on such terms and conditions as may be specified by regulations.

Clause 12 provides for constitution of the Advisory Committee. It provides that the Board may, by notification, constitute an Advisory Committee consisting of not more than thirty-one members to represent the interests of road users, construction industry, transport industry, automobile manufacturers, and relevant non-government organisations and academic and research bodies and the Chairperson and the other Members of the Board shall be the *ex officio* Chairperson and *ex officio* members respectively of the Advisory Committee.

It further provides that the Advisory Committee shall meet at such times and places, and observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meeting) as may be specified by regulations.

Clause 13 provides for functions of the Advisory Committee. It provides that the functions of the Advisory Committee shall be to advise the Board on questions of policy; matters relating to quality, continuity, reliability and extent of road safety and traffic management; and protection of road user interest.

Clause 14 empowers the Board to call for informations. It provides that where the Board considers it expedient so to do, it may, by order in writing call upon any government or non-government agency working in the field of road safety and traffic management to furnish in writing such information, in such form and manner as may be specified by regulations, relating to its affairs as the Board may require.

Clause 15 empowers the Central Government to notify the standards. It provides that the Central Government may, in consultaion with the National Highways Authority of India, notify the standards recommended by the Board under clause 6.

Clause 16 provides for grants and loans by the Central Government. It provides that the Central Government may, after due appropriation made by Parliament in this behalf, make to the Board, grants and loans of such sums of money as the Central Government may consider necessary.

Clause 17 provides for establishment of the National Road Safety and Traffic Management Fund. It provides that there shall be constituted a Fund to be called the Road Safety and Traffic Management Fund and there shall be credited thereto one per cent. of the revenue from the cess on diesel and gasoline allocated under section 10 of the Central Road Fund Act, 2000 for national highways and rail and road over bridges; any grants and loans made to the Board by the Central Government under clause 16; and all sums received by the Board from such other sources as may be decided upon or approved by the Central Government.

It further provides that the Fund shall, subject to the provisions of sub-clause (3), be applied for making payments towards the salary, allowances and other remuneration of the Chairperson, Members, officers and other employees of the Board; the expenses of the Board in the discharge of its functions under clause 6; and the other expenses of the Board in connection with the discharge of its functions and for the purposes authorised by the proposed legislation.

It also provides that the Central Government shall, on the recommendations of the Board and in consultation with the Comptroller and Auditor-General of India, apply the Fund for meeting the expenses referred to in clause (b) or clause (c) of sub-clause (2) in such manner as may be prescribed.

Clause 18 provides for accounts and audit of Board. It provides that the Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

It further provides that the accounts of the Board shall be audited by the Comptroller and Auditor- General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

It also provides that the Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books of account, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

It also provides that the accounts of the Board, as certified by the Comptroller and

Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid, as soon as it is received, before each House of Parliament.

Clause 19 provides that the Board shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

Clause 20 provides for annual and other reports of the Board. It provides that the Board shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

It further provides that the Central Government shall cause the annual report and auditors' report to be laid, as soon as may be after they are received, before each House of Parliament.

Clause 21 provides for penalties. It provides that whoever, responsible for maintaining the standards for design or construction or operation for national highways, fails to comply with the standards of design or construction or operation for national highways notified by the Central Government under clause 15 of the proposed legislation, shall be liable to a penalty which may extend to ten lakh rupees and, in the case of continuing failure, with an additional penalty which may extend to three lakh rupees for every month or part thereof during which such failure continues.

It further provides that whoever, responsible for the maintaining the standards for design or manufacture of any mechanically propelled vehicle, fails to comply with the standards for design or manufacture or operation of any mechanically propelled vehicle notified by the Central Government under any law for the time being in force, shall be liable to a penalty which may extend to ten lakh rupees and, in the case of continuing failure, with an additional penalty which may extend to three lakh rupees for every month or part thereof during which such failure continues.

It also provides that whoever fails to furnish the information required pursuant to clause 14, or willfully furnishes or causes to be furnished any information or return which he knows to be false or incorrect in material particulars, shall be liable to a penalty which may extend to one thousand rupees and, in the case of continuing failure, with an additional penalty which may extend to five hundred rupees for each day after the first day during which such failure continues.

Clause 22 provides for cognizance of offences. It provides that no court shall take cognizance of any offence punishable under the proposed legislation, save on a complaint made by the Board or any officer authorised by it and no court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under the proposed legislation.

Clause 23 provides for composition of offences. It provides that any offence committed after the commencement of the proposed legislation punishable under clause 21, may before institution of the prosecution, be compounded by such officers or Authority and for such amount as the Central Government may prescribe.

It further provides that where an offence has been compounded under sub-clause (1), no further proceedings shall be taken against him in respect of such offence.

It also provides that all sums realised by way of compounding of offences under this clause shall be credited to the Consolidated Fund of India.

Clause 24 makes provision for delegation of powers. It provides that the Board may by a special or general order delegate to the Chairperson or any other Member or any officer of

the Board, subject to such conditions and limitations, if any, as may be specified in that order, such of its administrative or financial powers and functions under this Act [except the powers and functions under sub-clauses (1), (2) and (3) of clause 6 and clause 32] as it may consider necessary.

Clause 25 empowers the Central Government to issue directions. It provides that without prejudice to the foregoing provisions of the proposed legislation, the Board shall, in exercise of its powers or the performance of its functions under the proposed legislation, be bound by such directions on question of policy, as the Central Government may give in writing to it from time to time.

It further provides that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

It also provides that the decision of the Central Government, whether a question is one of policy or not, shall be final.

Clause 26 empowers the Central Government to supersede the Board in certain cases. It provides that if, at any time the Central Government is of the opinion that, on account of circumstances beyond the control of the Board, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of the proposed legislation; or that the Board has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of the proposed legislation and as a result of such default the financial position of the Board or the administration of the Board has suffered; or that circumstances exist which render it necessary in the public interest so to do, it may, by notification, supersede the Board for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the Central Government may direct to exercise powers and discharge functions under the proposed legislation.

It further provides that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Board to make representations against the proposed supersession and shall consider the representations, if any, of the Board.

It also provides that upon the publication of a notification under sub-clause (1) superseding the Board, the Chairperson and other members shall, as from the date of supersession, vacate their offices as such; all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Board shall, until the Board is reconstituted under sub-clause (3), be exercised and discharged by the person or persons referred to in sub-clause (1); and all properties owned or controlled by the Board shall, until the Board is reconstituted under sub-clause (3), vest in the Central Government.

It also provides that on or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Board, by a fresh appointment of its Chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-clause (2) shall not be deemed to be disqualified for re-appointment.

It also provides that the Central Government shall cause a copy of the notification issued under sub-clause (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

Clause 27 provides that the Chairperson, Members, officers and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Clause 28 provides that no suit, prosecution or other legal proceeding shall lie against the Central Government or the Board or any officer of the Central Government or any Member, officer or other employees of the Board for anything which is in good faith done or intended to be done under the proposed legislation or the rules or regulations made thereunder.

Clause 29 provides for overriding effect of the proposed legislation. It provides that save as otherwise provided, the provisions of the proposed legislation shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than the proposed legislation.

Clause 30 provides that the provisions of the proposed legislation shall be in addition to the provisions of the the Motor Vehicles Act, 1988 or the National Highwayas Authroity of India Act, 1988 or any other law for the time being inforce.

Clause 31 empowers the Central Government to make rules. It provides that the Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the purposes of the proposed legislation. Sub-clause (2) enumerates the matters for which the Central Government may make rules.

Clause 32 empowers the Board to make regulations. It provides that the Board may, by notification, make regulations, with the prior approval of the Central Government, consistent with the proposed legislation and the rules made thereunder, to carry out the provisions of the proposed legislation.

It further provides that the Board shall publish a draft of each regulations proposed to be made under this section, in the Official Gazette, and in such other manner as it may deem fit, to provide an opportunity to persons affected or likely to be affected by such regulations to make suggestions or objections and upon receiving such suggestions and objections within the period stipulated by the Board, consider the same before notifying the regulations, with or without modifications. Sub-clause (3) enumerated the matters for which the Board may make regulations.

Clause 33 provides for laying of rules and regulations before Parliament. It provides that every rule made by the Central Government and every regulation made by the Board, under the proposed legislation shall be laid before each House of Parliament.

Clause 34 makes provision for amendment of certain enactments. It provides that the enactments specified in Parts I, II and III of the Schedule to the proposed legislation shall be amended in the manner specified therein and such amendments shall take effect on the date of establishment of the Board.

Clause 35 makes provisions for removal of difficulties. It provides that if any difficulty arises in giving effect to any of the provisions of the proposed legislation, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of the proposed legislation, as it may deem necessary for removing the difficulty.

It further provides that no order shall be made under this section after the expiry of two years from the date of commencement of the proposed legislation and every order made under this section shall be laid, as soon as may be after it is made, before each house of Parliament.

The Schedule to the Bill provides for amendments to the Motor Vehicles Act, 1988, the National Highways Authority of India Act, 1988 and the Central Road Fund Act, 2000. It provides for amendments of section 109, 110 and 111 of the Motor Vehicles Act, 1988, section 16 of the National Highways Authority of India Act, 1988 and sections 7, 9 and 10 of the Central Road Fund Act, 2000 in the manner as provided therein.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of the National Road Safety and Traffic Management Board. Sub-clause (2) of clause 7 provides for salary and allowances payable to the Chairperson and other members of the Board. Clause 11 makes provision for officers and other employees of the Board and sub-clause (3) thereof makes provision for salaries and allowances payable to the officers and other employees. Clause 16 provides that the Central Government may after due appropriation made by Parliament make to the Board grants and loans of such sums of money as it may consider necessary.

2. The Bill entails an estimated expenditure of Rupees 12.27 crore per annum to meet the administrative expenses of the National Road Safety and Traffic Management Board which includes expenses on account of salary and other perks admissible to the Chairperson, Members, officers and employees of the Board and expenditure on account of rented accommodation and other peripheral administrative expenses. The expenditure of the Board will be met from the National Road Safety and Traffic Management Fund proposed to be created under the proposed legislation by way of earmarking one per cent. of the cess on diesel and petrol allocated for national highways and rail and road overbridges. As per the budget estimate for the year 2010-2011, an amount of Rupees 87,25,71,000 would be available towards one per cent. of the cess on diesel and petrol allocated for national highways and railways. This amount shall be credited to the National Road Safety and Traffic Management Fund which would be utilised by the Board for carrying out its activities and also to meet its administrative expenses.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 31 of the Bill confers power upon the Central Government to make rules for carrying out the provisions of the proposed legislation. The matters in respect of which rules may be made *inter alia*, relate, to (a) the composition of the Selection Committee and its terms and conditions under sub-section (2) of section 5; (b) the salaries and allowances payable to, and the other conditions of service (including pension, gratuity and other retirement benefits) of, the Chairperson and the other Members under sub-clause (2) of clause 7; (c) the procedure of inquiry for removal of the Chairperson or Members under sub-clause (2) of clause 8; (d) the salaries and allowances payable to and the other conditions of service (including pension, gratuity and other retirement benefits) of the officers and staff of the Board under sub-clause (3) of clause 11; (e) the manner in which the Fund shall be applied for the purposes of clauses (b) or (c) of sub-clause (2) of clause 17 by the Board under sub-clause (3) of that clause; (f) the manner in which the accounts of the Board shall be maintained under sub-clause (1) of clause 18; (g) the form in which, and the time at which in each financial year, the budget of the Board shall be prepared under clause 19; (h) the form, time and manner in which the annual report of the Board shall be prepared under sub-clause (1) of clause 20; (i) the officer or authority and the amount for the purpose of composition of offences under clause 23; and (j) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

2. Clause 32 of the Bill confers power upon the Board to make regulations, with the prior approval of the Central Government, consistent with the proposed legislation and the rules made thereunder, to carry out the provisions of the proposed legislation. The matters in respect of which rules may be made relate, *inter alia*, to (a) the time and places of meetings of the Board and the procedure in regard to transaction of business at such meetings (including quorum at meetings) under sub-clause (1) of clause 9; (b) the terms and conditions on which the Board may appoint consultants under sub-clause (4) of clause 11; (c) the time and place of meeting of the Advisory Committee and the procedure in regard to transaction of business at such meeting (including quorum) under sub-clause (4) of clause 12; (d) the information which, and the form and manner in which such information, may be called for by the Board under clause 14; and (e) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be or may be made by regulations.

3. The rules made by the Central Government under clause 31 of the Bill and the regulations made by the Board under clause 32 of the Bill are required to be laid before each House of Parliament.

4. The matters in respect of which orders may be issued and the rules may be made by the Central Government are generally matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

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

(Shri Kamal Nath, Minister of Road Transport and Highways)