

Chairman: Justice Shri K.S. Radhakrishnan

Secretary: SD
Banga

Members: S. Sundar
Dr. Nishi Mittal

BY SPEED POST
MOST IMMEDIATE
F.No.05/2014/CoRS- Part-III

Dated: 18th August, 2015

To

The Chief Secretary,
Government of Haryana,
Chandigarh
Email: cs@hry.nic.in

Subject: Directions to the States/UTs to implement road safety laws – reg.

Sir/Madam,

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. The Committee has over the last one year issued directions to the States/UTs to establish institutional arrangements to promote road safety, undertake engineering measures to make roads safe, tighten enforcement together with promoting road safety education and establishing adequate trauma care facilities, and the Committee has been closely monitoring the action being taken by the States/UTs. Even though a number of measures have been taken by the States/UTs as directed by the Committee, the Committee on the basis of detailed analysis of traffic accidents and fatalities has come to the conclusion that unless strong and urgent measures are taken to deal with over speeding, drunken driving, red light jumping, violation of helmet laws and seat belt laws, use of mobile phones while driving, and over loading, the number of accidents and fatalities will continue to remain high.

3. The Committee is of the considered view that the States/UTs and their concerned Departments should take stern action against the violators of the law and exercise the discretion under Section 19 of the Motor Vehicle Act, 1988 read with Rule 21 of the Central Motor Vehicle Rules, 1989 by passing an order disqualifying the offender from holding a driving license for a specified period and also by seeking imprisonment wherever it is provided under the law. The Supreme Court, while constituting the Committee, has also emphasised the necessity of strict and faithful enforcement of all existing laws and norms not only as an absolute principle of law as well as for the high beneficial effects thereof.

4. The Committee, therefore, directs the States/UTs and their concerned Departments to take the following action forthwith:

Suspension of the licence for a period of not less than 3 months under Section 19 of the Motor Vehicle Act, 1988 read with Rule 21 of the Central Motor Vehicles Rules, 1989 for:

(i) Driving at a speed exceeding the specified limit which in the Committee's view would also include red light jumping;

(ii) Carrying overload in goods carriages and carrying persons in goods carriages;

(iii) Driving vehicles under the influence of drink and drugs;

(iv) Using mobile phone while driving a vehicle.

5. The Committee further directs that in case of driving a vehicle under the influence of drinks or drugs, the police should prosecute the offender and seek imprisonment as prescribed under Section 185 of the Motor Vehicle Act, 1988 even for the first offence.

6. The Committee also directs that the helmet laws be made applicable all over the State/UT both for main riders and the pillion riders. In case where the law relating to the use of helmet is violated by either the main rider or the pillion rider, they should both be subject to Road Safety Education and Counselling for not less than 2 hours before imposition of fine as prescribed under the Act.

7. Those who violate the seat belt law should also be subject to Road Safety Education and Counselling before imposition of fine as mentioned above.

8. The Committee further directs the States/UTs to submit Action Taken Reports at the end of every 3 months starting from 1st Sept, 2015.

Yours faithfully,

(SD Banga)
Secretary to the Committee

Copy to:

The Additional Transport Commissioner, Government of Haryana, 30 Bays Building, 2nd Floor, Sector 17-B, Chandigarh - 160017

(Shri Bhupinder Singh, HCS - Email: stcharyana@hry.nic.in)

(SD Banga)
Secretary to the Committee