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Letter No. SKG/MORTH/001 19 Oct 2014

M/o Road Transport & Highways.

Transport Bhawan,

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***Sub: “Suggestions for the Road Transport and Safety Bill”***

Dear Sir,

We appreciate central Governments initiative to consolidate several road related issues scattered in different laws, states & authorities. For the purpose of further strengthening it after putting considerable efforts we have compiled following suggestions which we feel will go a long way in making the present bill comprehensive.

1. Road Design: In order to bring uniformity in road design across India the *standard Design* as done by UTTIPEC Sample for across India. Any new tender awarded from 2015 must comply with this and existing ones to be changed similarly.
2. Defacing Sign Boards section 219 (4): Adequate & well located sign boards are very important ingredient of any road. However, mostly one can find that political parties treat them as personal property and take full liberty to deface them showing utter nuisance and causing hardship to road users even at times endangering them. Please provide heavy penalty under this act for defacement of road signs. Under proposed law only advisory has been issued to public to not to deface them which is grossly insufficient.
3. Obstruction to traffic signs: sec 219(3) -Under proposed law a police officer may remove the obstruction to any traffic sign only if a notification to that effect has been issued by a State Government or the State Transport Authority or the State Authority. If an advertisement board is causing obstruction to any traffic sign – why notification of state Govt. is required to remove it? It is felt condition of issuance of such notification may be dispensed with and the act should directly authorize, rather cast a duty on traffic police to regularly inspect roads & remove such boards, otherwise it will only remain a theoretical concept. This is an important safety measure and cannot be compromised or left at the will of other authority.
4. Front Camera: Front Camera, with minimum 30 minute recording facility, must be recommended, at least to start with, for all commercial vehicles. This will greatly help in settling insurance cases and provide important evidence to fix responsibility in cases of violation of traffic laws & other crimes.
5. Link Vehicle with Penalty: PENALTY: The penalty of DL should linked to vehicle vehicle registration number and in case of repeated offense the vehicle permit should also to be terminated. As most of the private commercial vehicles the driver goes to jail but no accountability on owners who are mainly big time transporters with high links.
6. Road Blockage: At present there is no law to punish a person blocking road or footpath. The old provision of IPC sec 283 and several other local provisions are rendered inadequate due to extremely low amount of penalty and no enforcement. This needs to be tackled by current legislation. Purposely blocking a road, scuffling on road should attract heavy penalty/imprisonment. In all cases of accident which does not involve any injury to human being the first duty of any driver should be to remove vehicle from carriage way rather than to first settle score with opponent.
7. Footpath Blockage: Like road blockage there is no effective law at present to deal with footpath blockage. Even the present legislation of IPC 283 is not followed due to very low penalty of Rs.200/-. At present any one can block the road/footpath at will without fear of any punishment. Currently no authority is interested to take responsibility to enforce it neither police nor other civic bodies. Free & obstruction free footpath being necessary to ensure safety of pedestrians, this bill will remain totally incomplete if no sufficient penalty is prescribed for blocking a footpath. There are numerous ways for blocking footpath like fixing obstructing sign boards, constructing walls, encroachment, parking vehicle etc. Also needs to be mentioned the responsible agency to enforce enforcement the law.
8. Alternate Vehicle Fuel: Sec 60 – It talks about alternate fuel of CNG, LPG, ethanol, electricity only. However, soon we are going to have vehicle running on Hydrogen, so it may also be included in the list for being promotion as an alternate fuel. It is suggested that as an endeavor authority should also aim at converting all road lights on LED and/or solar.
9. Advertisement Policy sec 219 (3) : Please lay down an advertisement policy, if not for all roads, at least for all national & state highways. This may be in consonance with various court pronouncements. As we know that inappropriate advertisement boards are a safety hazard just removal of advertisement boards may not be sufficient until proper guidelines for fixation of same are laid down in the act itself otherwise it may lead to arbitrariness. Since this is an important safety aspect, act would not be comprehensive if one has to refer different laws or court pronouncements for issues connected with roads.
10. Potholes & road maintenance: A lot is being done about enhancing road safety measures but no civic body is being made ‘accountable’ for breach of it. Among other things one of the major threats to road safety is potholes, the repair of which does not find place in the new act. The new act must address the complete redressal system concerning potholes on roads. A mechanism be placed in force defining accountability of the concerned civic body for repair of potholes in a time bound manner. Even in Delhi which is national capital at present there is no road inspection mechanism, this might sound bizarre but is true. There are clear cut instructions with PWD to inspect every road twice a day. And on PAPER this inspection is happening but actually nothing is happening. As per PWD inspection is done but no inspection report is prepared – it only confirms that only paper formalities are done and no actual inspection with ‘OPEN EYES’ is happening. There are abundant examples on roads spread all over Delhi which proves that roads are *not* regularly inspected. Be it uprooted kerb stones, falling wires, potholes, obstructed footpaths, blocked zebra crossing - no one is there to check it. So many zebra crossings exists where you cannot cross the road, these are just painted blindly - to quote a recent example 3 zebra crossings, within a span of 100 meters, have been painted on Sambhalkha T point but all are blocked? Whether concerned engineer ever bothered either to remove the blockage or to relocate the zebra crossing? There are numeral examples of such irregularities. Like-wise many footpath remain obstructed but there is no engineer to apply mind to remove the obstruction. Not only this PWD staff itself is creating such blockage despite clear legal position that creating such hindrance on footpath is illegal – showing a patent case of mental bankruptcy. The practice continues un abated. Delhi is full of such examples.. Therefore, I request guidelines be issued for preparation of inspection report on by the concerned civic body with defined parameters which may include:
11. Whether any kerb stone is uprooted on central verge or footpath,
12. Whether any pothole is visible - if yes where and about what size?
13. Is any patch on road is about to convert into pothole?
14. Is any portion of footpath/road is caved in?
15. Is there any open man- hole?
16. Is there any falling pole, railing, wire, overhead sign board or tree,
17. Is there any obstruction on footpath likely to create problem for pedestrians?
18. Is there any dug up space on footpath or road inadequately barricaded or lying unattended for many days?
19. Is there any unpainted zebra crossing or speed-breaker?
20. Is there any encroachment on road or footpath?
21. Is entry & exit points of footpath have appropriate poles fixed so as to prevent climbing of vehicles on it?
22. Is there any water logging, construction material, debris, damaged vehicle or any other kind of material lying on road?
23. Is there any damage to any kind of street furniture?
24. Any other issue, as per discretion of concerned staff,

For city roads the frequency of report may be fixed every 48 hours & for roads outside cities it may be little higher. Law should prescribe that reports be uploaded on a website created specifically for this very purpose. This step can actually prove to be revolutionary.

1. Toll Plaza: There are toll plazas which only issue ticket for one way travel e.g. NH-8 Gurgaon Expressway Toll Plaza (since closed down). However, on all plazas there are sizable number of vehicles which want a 2 way to & fro ticket. Issuing single way ticket leads to waste of time as vehicle has to be in line twice and lead to inefficient working please make it mandatory for all toll booths to issue a 2 way ticket.
2. Even Road Usage: The states collect entry tax on date basis e.g. if any vehicle entering on 1600 hours and coming back after 9 hours has to shell out tax or 2 days. Therefore, to avail maximum benefit vehicle try to pass inter-state border at 0000 hours. This leads to huge wastage of time & energy as vehicles start piling up near border and create chaotic conditions at border as every one wants to cross at same time. On one side we regulate truck entry during night so as to have even road usage and on other side we encourage vehicles to pile up at border. The accumulated vehicles lead to higher pollution levels and is also a safety breach where huge number of vehicles enter at same time. Therefore, it is suggested that act make it mandatory to regulate entry & exit to any state on 24 hours basis from any point of time to any point of time. This will help in dispersing vehicle load on roads.
3. Unified DL System – Chapter IV – It is suggested that the DL identification parameter for any applicant under new driving authorization should only be Aadhar based. This would avoid duplication of efforts in maintaining data base. The authorization should also not have any new serial number but ‘Aadhar’ number should be used as license number. This will not only relive the authority from maintaining new data base but will also be of great relief to individual users as they need not to maintain a new number. This will be in sync with the national efforts to culminate more & more identification proof emanating from same data base. The service tax department has already done a similar thing whereby they don’t issue a new Service Tax number to new registrants but the PAN number is used as Service Tax number also.

Further, the authorization should be on a ‘demat’ format with no difference in original or duplicate and the user must also be authorized to obtain as many copies as he wants on payment of prescribe fees. Since authorization is for any individual with Aadhar based identification parameters, there is no need to attach undue importance to its original physical availability. Gradual trend everywhere is to keep documents in demat format like insurance policies, bank FD, share certificate. This will relieve police & licensing department form a sizable administrative work because this document finds high place in the list of lost documents. Even if you see at present in Delhi if one looses his DL, he has to go online to Delhi Police website to file a complaint. Generate print out of that complaint, submit it along with application form & fee to authority and obtain another one. The website of Police has clear disclaimer that no action shall be taken by Police on such online complaints and this facility is to facilitate citizen obtain duplicate copy of the lost document. The whole process clearly confirms that issue of another copy of DL should be a free process. To quote an example Income Tax Department places no restriction on issue of PAN card, one can get as many PAN cards by paying fee.

1. Additional Driving Training: Additional Driving Training and Certificate must depend upon the type of vehicle put on use be it Public/School/Transport/HTV /JCB/Cranes etc.
2. Digging: Digging is such a thing happening freely every-where in India. There is no stoppage to this menace. While we are very concerned about road safety along with potholes this is another impediment in smooth flow of traffic. Request heavy penalty be prescribed for Un-authorised digging of roads & footpaths or not resorting it in original shape immediately after completion of work. Digging of any road or footpath should be permitted only with pre-determined timelines for resorting it in original shape. Stringent penalty must be provided for not adhering to this.
3. Horn Sound: At present sound system used in different vehicles is not representative. Similar horns are used for all kind of vehicles. We suggest that differential 3 tier Sound System be introduced for identification of heavy, medium & rest of vehicle.

Sound as industry has made significant progress and gained fine technicalities to produce several types of different sounds. Horn is an important instrument of safety for vehicles itself & for others on its way. I suggest that in new bill, technical specification of types of sound of horns used by vehicles be specified. Three different sounds be approved for (a) heavy vehicles (b) light motor vehicles and (c) other vehicles.

The differential sound of horn is very useful in creating appropriate awareness/warning to the person who hears this from a distance – just by horn one can make out which type of vehicles is coming. Especially in darkness if heavy vehicle is approaching the information could be very useful. This can prove to be a very important safety aspect for pedestrians.

Further, the pitch of sound should be fixed such that it does not pierce the ear. The appropriate sound pitch should be determined after taking advise from relevant medical specialists.

1. Traffic Helpline: At present each city traffic police has its own different local helpline number which people use in case of traffic jams or complaining about non-functional traffic signals and other violations. Due to different numbers travellers find it difficult to contact traffic police across cities, in Delhi itself we have seen traffic police number changing at times. It is, therefore, recommended that like other national help line numbers traffic police be also made contactable thru a single helpline number. The number could be ‘140’, this is the next in serial to all India railway helpline number i.e. 139.
2. Traffic Pole Inventory: The traffic poles are installed but maintenance of such poles & keeping inventory is not very scientific. It is indeed very difficult to describe the identification of a faulty signal to traffic police. Hence it is suggested every traffic poll in the country must have an identification number, it may not be unique but city specific. Same can be used for filing complaints if pole is not working or if one wants to forward suggestion about its working pattern. The number must be painted on it. It will be easy for traffic police also to use such identification number in handling complaints and for internal administrative purposes. It is suggested that for ease of reference the number should not be exceeding 4/5 digits.
3. Footpath Design: sec 177(1)(h)/(8)(a) - Footpath is a very important aspect of road safety. At present there is no uniformity in the way footpaths are constructed and maintained in India. Vehicles parked on footpath & pedestrians walking on road is a common site in Delhi. Not only this every state & city has its own specifications & perceptions. The complete footpath design & specification be made part of this act so as to bring uniformity of standards in India. This should include complete design parameters entry, exit, height, tree base, width etc.
4. Speed Breaker: section 179(8)(d): In addition to indicate where traffic calming & speed control measures are to be taken please also specify the design parameters of such construction as there is no unification of such measures in India. There are varying perceptions about these in different parts of the country and among different authorities. At many places dangerous speed breakers can be seen even on highways. Please make it an offense if any point of time the speed-breakers or zebra crossing is not found adequately painted.
5. Enforcement Agency: One of the major problems in India is multiplicity of authority. And we know that everyone job is no one’s job. So please be specific about enforcement of any provisions of this act, otherwise despite having a beautiful unified law we will be no-where.
6. Link Penalty with Insurance: As a medium term objective for strict Implementation of penalties - it should be linked to the insurance of the vehicles registration no for all kinds of traffic violation, either thru camera, notices issued by traffic police etc and make it online. The moment violation is caught on the camera - fine amount to reflect on vehicle registration number. In case of manual noting of traffic violations it can be uploaded by traffic police on the site, if amount is not paid on site. So while renewing insurance annually one has to clear the account first, insurance companies would also be made a part of this process. By this way following things will happen :
	1. Traffic cop would need to stop minimum vehicles on the road to challan.
	2. No argument and tussle in the middle of the road.
	3. Lesser Human intervention - no corruption
	4. Collection will be automatic and People will be more disciplined.

1. Model Code: Act must also enlist model code of conduct by road users & civic bodies. Like what to do in case you witness victims of accident, cleaning of road & repairing of street light only during at a time when there is very less traffic, no dug up spaces, what to do in case of break-down, etc.
2. Pedestrian Safety: Along with CMV there must be Pedestrain Safety Act must be passed by Parliament.
3. Single Road Owning Agency: As a long term objective for easy and effective maintenance of roads & enforcement of law. All roads other than NH should be under single authority in respective state like PWD or any other similar road transport agency to avoid multiplicity of authority as the case in Delhi.
4. Permit: When it is one India one transport law why the permit is state-wise? It is suggested that all vehicles must be treated as National Permit instead of current one.
5. Over weight: To make it mandatory to have all Entry points of States and Districts to have automated measuring machines for weight and size of vehicle. The over loaded vehicle not just increase pollution but reduce the life of the roads and cause accidents, not just weights but also loaded material should not be outside the vehicles such as Roads/Steel items or even Farmers Tractors carry fodder etc.
6. Rear Seat Belt: It is suggested that seat belts may not be made mandatory for bicycles, rear seat passengers of cars & buses. It will make travel uncomfortable & has a cost associated with it. Helmet for cycles will actually be a discouragement. The seat belt is able to absorb the impact of head on collision of high speed vehicles but in case of city transport where average speed is 40-50 the utility of this may be reviewed. There must be material supporting data to enforce this law.
7. Littering on roads: It has been observed that public passenger transport vehicles are responsible for littering around roads specifically on highways. In case of highways falling out of city limits actually there is no one to prevent them. Please provide penal provisions for proven cases of such littering.
8. Others:
9. Parking Charges: All vehicles irrespective state must pay equal one time parking charges (For Delhi registered vehicle there is but for vehicle registered in Gurgaon it is not).
10. Fitness of vehicles: The respective authorized service agencies should be allowed to issue in case of private vehicles, commercials vehicles differently.
11. Broken Down Vehicles: Time bound removal of broken down vehicles from road, which cause a major hinderance on roads.
12. Accident Relief: 20% of premium collected by insurance companies must be kept reserved for this.
13. Number plate: In addition to ‘India’ the security number plate must also be inscribed with the word भारत to give it a national unified look.
14. Offense: Please make vehicles un-necessarily running on high beam, indulging in unnecessary honking an offense

Hope above would be give due consideration.

Yours faithfully,

For Dwarka Forum,

(S K Goyal)

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