

Karnataka State Road Safety Authority Act, 2017

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Act 45 of 2017

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Karnataka State Road Safety Authority Act, 2017(Karnataka Act No. 45 of 2017)Statement of objects and Reasons - Amending Act 45 of 2017. - In the W.P. No. 295/2012 (PIL-Civil) filed by Dr. Rajaseekaran, the Honourable Supreme Court had delivered historical judgment on 22nd April 2014 regarding controlling of road accidents in the country. Following the judgment, Central Government formed the "Committee on Road Safety" on 30th May 2014 consisting of retired Honourable Supreme Court Justice as Chairman and other two experts on road safety as its members. The said Committee had already issued various directions to all the States including the State of Karnataka for implementation of the said directions. It has become the responsibility of the Government to implement the road safety measures and to ensure its effectiveness in the State. Therefore, it is considered necessary to provide for establishment of the Karnataka State Road Safety Authority by giving it statutory powers. Hence, the Bill.[L.A. Bill No.35 of 2017, File No. Samvyashae 35 Shasana 2017][entry 35 of List III of the Seventh Schedule to the Constitution of India.](First Published in the Karnataka Gazette Extra-ordinary on the 7th day of December, 2017)(Received the assent of Governor on the 6th day of December, 2017)An Act to provide for the constitution of a Road Safety Authority for the implementation of Road Safety programmes and for the establishment of a Road Safety Fund in the State of Karnataka, and for matters connected therewith and incidental thereto. Whereas it is expedient to provide for the constitution of a Road Safety Authority for the implementation of Road Safety programmes and for the establishment of a Road Safety Fund in the State of Karnataka, and for matters connected therewith and incidental thereto:Be it enacted by the Karnataka State Legislature in the sixty-eighth year of the Republic of India as follows:-

1. Short title and commencement.

(1)This Act may be called the Karnataka State Road Safety Authority Act, 2017.(2)It shall come into force on such date as the State 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 such provision to the commencement of this Act shall be construed as a reference to coming into force of that provision.

2. Definition.

(1) In this Act, unless the context otherwise requires, - (a) "accident" means any incident wherein, on account of the use of a motor vehicle on a public road, death, bodily injury or damage is caused to any public properties, other vehicles, person or any property as the case maybe; (b) "Additional Commissioner" means the Additional Commissioner for Transport (Road Safety) of the Transport Department. (c) "authority" means the 'Karnataka State Road Safety Authority' constituted under section 4; (d) "Commissioner" means the Commissioner for Transport and Road Safety from the Transport Department, who shall also be the Commissioner for Karnataka State Road Safety Authority; (e) "Council" means the Karnataka State Road Safety Council constituted under section 3; (f) "district" means a revenue district; (g) "District Road Safety Committee" means the District Road Safety Committee constituted under section 21; (h) "Fund" means the 'Karnataka State Road Safety Fund' constituted under section 12; (i) "Local Authority" means a Panchayat constituted under the Karnataka Grama Swaraj and Panchayat Raj Act, 1993 (14 of 1993) or a Municipality constituted under the Karnataka Municipal Corporations Act, 1976 (14 of 1977) (j) "public road" shall include, any private road to which public have access and also the traffic islands, medians and footpaths; (k) "prescribed" means prescribed by rules made under this Act; (l) "regulations" means the regulations made under section 40; (m) "vehicle" includes any contraption or device used or capable of being used for the carriage or movement of human beings, animals or goods; (2) Words and expressions used but not defined in this Act shall have the meanings respectively assigned to them in the Motor Vehicles Act, 1988 (Central Act 59 of 1988), Karnataka Highways Act, 1964 (Karnataka Act 44 of 1964) or the rules made thereunder.

3. Constitution of the Karnataka State Road Safety Council.

(1) The State Government may, by notification in the Gazette, constitute, with effect from such date as may be specified therein, a Council to be called Karnataka State Road Safety Council. (2) The Karnataka State Road Safety Council shall consist of the following members;

(a)	The Minister in charge for Transport Department	Chairman
(b)	The Chief Secretary to State Government	Vice-Chairman
(c)	The Additional Chief Secretary or Principal Secretary to Government, Home Department	Ex-officio Member
(d)	The Additional Chief Secretary or Principal Secretary to Government, Finance Department	Ex-officio Member
(e)	The Additional Chief Secretary or Principal Secretary to Government Public Works, Ports and Inland Water Transport Department.	Ex-officio Member
(f)	The Additional Chief Secretary or Principal Secretary to Government, Education Department	Ex-officio Member
(g)	The Additional Chief Secretary or Principal Secretary to Government, Urban Development Department	Ex-officio Member
(h)	The Principal Secretary to Transport Department	Ex-officio

	Member
(i) The Principal Secretary to Rural Development and Panchayath Raj Department	Ex-officio Member
(j) The Principal Secretary to Law Department	Ex-officio Member
(k) The Principal Secretary to Health and Family Welfare Department	Ex-officio Member
(l) The Director General and Inspector General of Police	Ex-officio Member
(m) The Road Safety Commissioner of the Karnataka State Road Safety Authority	Member
(n) Additional Commissioner	Member Secretary
(o) Two persons who are expert in the field of road safety nominated by the state government	Member

(3) The Karnataka State Road Safety Council may invite other ministers, officers of the State Government and such other experts as it may deem necessary as special invitees. (4) No person shall be eligible for being a member if he, - (a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or (b) is of unsound mind and stands so declared by a competent court; or (c) is an undischarged insolvent; or (d) has been removed or dismissed from service of the Central Government or a State Government or a body or Corporation owned by the Central Government or a State Government; or (e) has directly or indirectly by himself or as partner, has any share or interest in any work done by the order of the Authority or in any contract or employment with or under or by or on behalf of the Authority; or (f) is employed as paid legal practitioner on behalf of the Authority or accepts employment as legal practitioner against the Authority; (5) The Council shall meet at least once in six months. The non-official members shall be entitled for prescribed sitting fee or Travelling allowance or Daily allowance for attending the meetings. (6) The Karnataka State Road Safety Council shall be advisory in nature and advise Karnataka State Road Safety Authority for implementation of road safety measures in the state of Karnataka.

4. Constitution of The Karnataka State Road Safety Authority.

(1) The State Government may, by notification in the Gazette, constitute, an Authority to be called "the Karnataka State Road Safety Authority". (2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued. (3) The head office of the Authority shall be at Bengaluru City.

5. The Karnataka State Road Safety Authority.

- The Karnataka State Road Safety Authority shall consist of the following members:

(a)	The Chief Secretary to Government	Chairman
(b)	The Principal Secretary to Transport Department	Vice Chairman
(c)	The Additional Chief Secretary or Principal Secretary to Government, Home Department	Ex-officio Member
(d)	The Additional Chief Secretary or Principal Secretary to Government, Finance Department	Ex-officio Member
(e)	The Additional Chief Secretary or Principal Secretary to Government, Public Works, Ports and Inland Water Transport Department	Ex-officio Member
(f)	The Additional Chief Secretary or Principal Secretary to Government, Education Department	Ex-officio Member
(g)	The Principal Secretary to Rural Development and Panchayat Raj Department	Ex-officio Member
(h)	The Principal Secretary to Health and Family Welfare Department	Ex-officio Member
(i)	The Director General and Inspector General of police	Ex-officio Member
(j)	The Commissioner of Karnataka State Road safety Authority	Member
(k)	The Additional Commissioner	Member Secretary

6. Functions of the Karnataka State Road Safety Authority.

- The Authority shall have the following functions, namely:-(i)to formulate effective road safety policies, and implement projects, programmes and schemes, relating to road safety from time to time;(ii)to prescribe and enforce road safety standards and procedures and conduct or cause to be conducted with the standards and procedures prescribed;(iii)to implement road safety awareness programmes including educating drivers, motorists and other members of the public generally on the proper and safe use of roads;(iv)to conduct research on road safety and to evaluate information and statistics relating to road accidents for planning, policy research and development;(v)to coordinate the functions of all the agencies and Government Departments discharging the duties related to road safety;(vi)to liaise with national and international agencies interested on Road Safety and Traffic Management;(vii)to form self-help groups under the leadership of Karnataka State Road safety Authority (KS RSA) for the rescue operation in the place of accident;(viii)administration of the fund;(ix)sanctioning expenditure for the implementation of road safety schemes and programmes;(x)sanctioning expenditure for road safety projects and for purchase and installation of equipments and devices connected with road safety;(xi)sanctioning expenditure for the conduct of studies, projects and research on matters relating to road safety;(xii)sanctioning expenditure for trauma-care programmes or activities;(xiii)sanctioning administrative expenditure of the

Authority;(xiv)sanctioning expenditure on matters connected with road safety measures;(xv)discharging such other functions, as may be prescribed, having regard to the objects of this Act.(xvi)to establish and maintain Comprehensive Road Accident Database Management System through Police department;(xvii)to ensure the implementation of action plan and to revise it from time to time as per the directions of the Hon'ble Supreme Court Committee on Road Safety by the entire stake holding departments viz., PWP& IWTD, Panchayat Raj Engineering department, Police, Transport, Education, Health, Urban Development, Excise etc.,(xviii)to liaise with Honourable Supreme Court Committee on Road Safety and to attend all meetings or reviews called upon by Honourable Supreme Court Committee on Road Safety and furnish all such information or reports or discussion or statistics or records etc., sought to comply with all such directions issued by Honourable Supreme Court Committee on Road Safety. All the stake holding departments shall invariably implement all the directions of Honourable Supreme Committee and furnish all data or information records sought by the Honourable Supreme Court Committee within prescribed time; and(xix)Power to conduct special enforcement drives by heads of the stake holding departments for the purpose of implementation of road safety measures.

7. Meetings.

(1)The Karnataka State Road Safety Authority and the District Road Safety Committee, shall meet at such time and place as may be decided by the Chairman of the Authority or the District Road Safety Committee, as the case may be, and shall observe such rules of procedure in relation to transaction of business at the meetings, as may be made by regulations.(2)Every meeting of the Authority shall be presided over by the Chairman or in his absence, Vice Chairman or as the case may be a member chosen by the members present.(3)The Authority shall meet at least once in three months(4)The quorum for a meeting of the Authority shall be five.

8. Disposal of Business.

- Every matter to be decided by the Authority shall be considered and disposed of at meetings of the Authority, as the case may be, in accordance with the decision of the majority of the members present.

9. Vacancies etc. not to invalidate proceedings of the Authority.

- No Act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Authority.

10. Road Safety Commissioner.

- The Commissioner for Transport and Road Safety shall also be the Commissioner for Karnataka State Road Safety Authority. The Additional Commissioner shall be the Additional Commissioner of the Authority.

11. Administrative head of the Authority.

- The Commissioner of Karnataka State Road Safety Authority shall be the administrative head for the functioning of the Authority and the Additional Commissioner shall assist him.

12. Establishment of the Fund.

(1)After the constitution of the Authority, within one year, there shall be established a Fund to be called the `Karnataka State Road Safety Fund'.(2)There shall be credited to the Fund,-(a)Grants, loans, contributions or advances made by the State Government;(b)Grants, loans, contributions or advances made by the Central Government;(c)Contributions from public and private institutions or organisations;(d)Compounding fee collected under section 30; and(e)Fee amount collected by issue of smart cards.(3)The State Government shall contribute to the Fund every year, an amount equal to fifty percent of the compounding fee collected in the previous year under section 200 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988).(4)Such other sources of funding-as may be prescribed.

13. Levy and collection of cess.

(1)There shall be levied and collected one time CESS at the time of vehicle registration, at such rate not more than one thousand rupees, as may be notified, by the State Government. Different rates may be levied for different class of motor vehicles.(2)Every notification issued under sub section (1) shall be laid before each house of the State Legislature.(3)The registration Authority shall at the time of registration collect the cess so levied and remit the same to the Karnataka Road Safety fund, in such manner as may be prescribed.

14. Vesting and administration of the Fund.

(1)The Fund shall vest in and be administered by the Authority.(2)The Authority shall administer the fund vested in it in such a manner, as may be prescribed.(3)All amounts forming part of the Fund shall be deposited in any nationalized bank, as may be decided by the Authority and the account shall be operated by the Road Safety Commissioner and Additional Commissioner of the Authority jointly in such manner, as the Authority may decide.

15. Utilisation of the Fund.

- The fund shall be utilized for all or any of the following purposes, namely:-(a)Road safety programmes;(b)Awareness programmes in respect of road safety;(c)Purchase of equipment connected with road safety;(d)Funding of approved studies on projects, trainings;(e)Trauma care programmes and related activities;(f)Administrative expenses of the Authority;(g)Expenditure on matters connected with road safety, as the Authority may deem fit; and(h)Any other purpose as may be prescribed.

16. Power to order removal of causes of accident.

(1)Notwithstanding anything contained in any other law for the time being in force, where the Authority is satisfied on complaint or report by any person or otherwise that,–(a)the act of any person or persons on a public road; or(b)the placement or positioning of any vehicle, animal, object built without the approval of any recognized administrative authority, structure of materials including arches, banners, awnings, tents, pandals, poles, platforms, rostrums, statues, monuments and other similar structures on a public road; or(c)the movement of animals or vehicles on a public road; or(d)the condition of any tree, structure or building situated in the vicinity of a public road; or(e)the entry or exit of any building or premise in the vicinity of a public road is likely to cause accidents or cause obstruction to the free flow of traffic or distract the attention or obstruct the vision of the driver of any vehicle;the Commissioner Karnataka State Road Safety Authority may, after recording reasons thereof, direct to the person concerned, either by a general or special order, to take such measures within two months as it considers necessary and such person shall be bound to comply with the direction within such time, as may be specified by the Authority.(2)Notwithstanding anything contained in subsection (1), in case of urgency, the Commissioner Karnataka Road Safety Authority may take such action as may be necessary to prevent accident or obstruction, as the case may be, and recover the cost thereof from the person responsible in such manner as may be prescribed.

17. Power to order works.

(1)Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Authority to order any work or improvement on a public road, as if considers necessary, to secure safety on such roads and each concerned State Government department or the local authority or any other authority shall be bound to carryout such works or improvement within such time, as may be specified by the Authority:Provided that, no order under this sub-section shall be issued in respect of any highway declared as such under the Karnataka Highway Act, 1964 (Karnataka Act 44 of 1964) except with prior consultation of the Highway Authority of the respective area appointed under the said Act.(2)It shall be the duty of every officer of the State Government, local authority or any other authority to act in aid of the Authority in enforcing the orders under sub-section (1).

18. Power to recover cost.

- If any person on whom a written order is served under section 13 refuses or fails to comply with the order, the Authority may take such action as to prevent danger and ensure safety to the public and may recover the cost with legitimate interest thereof from such person.

19. Amounts recoverable as arrear of land revenue.

- Any amount due to the Authority under this Act shall, without prejudice to any other mode of recovery, be recoverable in the same manner as an arrear of revenue due on land.

20. Delegation.

- The Authority may, with the previous approval of the State Government, delegate to the Road Safety Commissioner, Additional Road Safety Commissioner or District Road Safety Committee such of its powers and functions, as it may consider necessary, for the effective implementation of the road safety programmes by general or special order, subject to such restrictions as it deems fit.

21. District Road Safety Committee.

- The District Road Safety Committees, which had been already constituted under sub-section (3) of section 215 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) in the State, shall exercise such powers and performs such functions, as may be prescribed.

22. Staff.

(1) The Authority may, with prior approval of the State Government, appoint such officers and staff as it deems necessary for the discharge of its functions under this Act. (2) The designation, method of appointment and other conditions of service of the staff shall be such, as may be prescribed.

23. Expenses.

- All expenses of administration of the fund including the salary and allowances of the staff and other employees shall be met from the Fund.

24. Accounts.

- The accounts of the Fund shall be maintained by the Road Safety Commissioner in such manner, as may be prescribed.

25. District Road Safety Committee to submit reports, etc.

- Every District Road Safety Committee shall submit such reports and returns and furnish such information to the Road Safety Commissioner, as may be required from time to time, and the Road Safety Commissioner shall submit a consolidated report to the Authority, annually.

26. Annual report.

(1) The Authority shall during each financial year prepare, in such form and at such time, as may be prescribed, an annual report giving a complete account of its activities of the previous year and submit such report to the State Government. (2) The State Government shall cause every such report to be laid before the State Legislature as soon as may be, after the receipt of the same.

27. Audit.

(1)The accounts of the Authority shall be audited by the Accountant General.(2)The Authority may carry out internal audit of the accounts every year by such officials as it deems fit.(3)The accounts of the Authority, as certified by the auditor, together with the audit report thereon shall be submitted to the State Government shall cause the same to be laid before the Legislative Assembly.(4)The authority shall take such corrective steps as may be ordered by the State Government on the basis of the report.

28. Punishment for failure to comply with the Authority's order.

(1)Whoever refuses or fails to comply with any order of the Authority or the Road Safety Commissioner or any District Road Safety Committee under this Act, shall be punishable with imprisonment for a term of six months or with fine which may extend to twenty-five thousand rupees or with both.(2)In the case of continuing offence a fine of one thousand rupees shall be imposed for each day for which the offence continues.

29. Punishment for obstructing the Authority.

- Whoever obstructs the Authority, the Road Safety Commissioner, District Road Safety Committee or any officer of the Authority or of the District Road Safety Committee or any person employed or engaged by them in the discharge of the functions under this Act, shall be punishable with imprisonment for a term of maximum three years or with fine which may extent to twenty- five thousand rupees or with both.

30. Compounding of offences.

- Any offence punishable under section 28 and 29 may either before or after the institution of prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Gazette, specify in the behalf.

31. offences by Companies.

- If an offence punishable under this Act is committed at any time by a company, every person who is in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence and the company shall be deemed to be responsible for the offence and shall be liable to be proceeded against and punished accordingly:Provided that where any offence under this Act has been committed by a company and it is proved that the commission of the offence is with the consent and connivance attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the company such Director, Manager, Secretary or other officer shall be deemed to be responsible for that offence and shall be liable to be proceeded against and punished accordingly.Explanation: - For the purpose of this section:-(a) `company' means any body corporate and includes a firm or other association of individuals; and(b) `Director' in relation to a firm means

the partner in the firm.

32. Appeals.

(1) Any person aggrieved by an order passed by any officer of the Authority or of the District Road Safety Committee under this Act may within such time as may be prescribed, may appeal to the Karnataka State Road Safety Appellate Tribunal. The State Government shall constitute by notification the Karnataka State Road Safety Appellate Tribunal consisting of a Judicial officer who is holding the post not below the rank of District Judge or held the post as such. (2) Every appeal preferred under sub-section (1) shall be accompanied by such fees, as may be prescribed. (3) on receipt of any appeal under sub-section (1) the Appellate Tribunal shall, after giving the appellant an opportunity of being heard in the matter dispose of the appeal as expeditiously as possible.

33. Members and employees of the Authority to be public servants.

- All members and employees of the Authority while acting or purporting to act under the provisions of this Act or any rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central) Act 45 of 1860).

34. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the State Government or Authority or any officer of the State Government or any member or other employees of the Authority for anything, which is done in good faith or purported to be done under or in pursuance of this Act or the rules made thereunder.

35. Cognizance of offences.

- No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence submitted with the prior permission of the Road Safety Commissioner.

36. Bar of jurisdiction of Civil Courts.

- No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the State Government or the Authority or any officer authorized by the State Government or the Authority.

37. Act not in derogation of the Karnataka Highway Act, 1964.

- The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Karnataka Highway Act, 1964 (44 of 1964).

38. Power to give directions.

- The State Government may give directions to the Authority in matters of policy of the Authority and the Authority shall be bound to give effect to such directions.

39. Power to make rules.

(1)The State Government may, after previous publication by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions 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)Functions to be performed by Authority;(b)The manner in which cess has to be collected and remitted to the fund;(c)The purposes for which the Fund shall be utilized;(d)The designation, method of appointment and other conditions of service of the officers and staff of the Authority;(e)The manner in which the accounts of the Fund to be maintained by the Road Safety Commissioner under section 24;(f)The form and time for preparation of annual report under section 26;(g)The time and fee for filing appeal under section 32; and(h)Any other matter which is required to be, or may be, prescribed.(3)Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislature of the State, while it is in session, immediately following for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature making any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or stand annulled, 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.

40. Regulations.

- The authority may make regulations with the prior approval of the State Government in respect of the procedure to be adopted by the Authority and the District Road Safety Committee for meetings and disposal of matters coming up before the authority or the District Road Safety Committee, as the case may be.

41. Removal of difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order, do anything not inconsistent with this Act or the rules made thereunder, which appears to it necessary for the purpose of removing the difficulty:Provided that, no such order shall be issued after two years from the date of commencement of this Act.(2)Every order issued under sub-section (1) of this section shall be laid before the Legislature.The above translation of PÀ£ÁðlPÀgÁdã gÀ, ÉÛ ,ÀÄgÀPÀëvÁYÁæçüPÁgÀ Cçü±AiÀÄªÄÄ