



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 57 Dispur, Saturday, 17th February, 2018, 28th Magha, 1939 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
TRANSPORT DEPARTMENT

NOTIFICATION

The 12th February, 2018

No. TMV.296/2015/140.- The following draft of the rules, which the Governor of Assam proposes to make in exercise of the powers conferred by section 135 and section 138 read with section 215 of the Motor Vehicles Act, 1988 (Act No. 59 of 1988), and section 21 of General clauses Act, 1897 (Act No. 10 of 1897), is hereby published as required by sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (Act No. 59 of 1988) for the information of persons likely to be affected thereby and notice is hereby given that the draft of the rules shall be taken into consideration by the Government on or after the expiry of a period of thirty days from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the Draft before the expiry of the period of thirty days as specified above will be considered by the Governor.

Objections or suggestions, if any, may be sent to the Secretary to the Government of Assam, Department of Transport, Assam, Assam Secretariat., Dispur, Guwahati-6.

RULES

Short title and
commencement

1.(1) These rules may be called the Assam Road Safety Management and Fund Control Rules, 2018.

(2) They shall come into force on the date of their publication in The Official Gazette.

Definitions

- 2.(1) In these rules, unless the context otherwise requires, -
- (a) "Act" means the Motor Vehicle Act,1988 (Act No. 59 of 1988);
 - (b) "accident" means any incident wherein, on account of the use of a motor vehicle on a public road, death, bodily injury or damage caused to any public properties, other vehicles, person, persons or property or to any public property or other vehicles, as the case may be;
 - (c) "Cess" means Motor Vehicles Road Safety Cess charged, levied and paid to the State Government under section 4 D of the Assam Motor Vehicle Taxation Act,1936 (Assam Act IX of 1936) as amended from time to time;
 - (d) "Chairman" means Chairman of the State Road Safety Council, Management Committee & the District Road Safety Committee;
 - (e) "Council" means the Assam State Road Safety Council constituted under section 215 of the Motor Vehicle Act,1988 (Act No. 59 of 1988);
 - (f) "District" means a revenue district;
 - (g) "Committee" means the District Road Safety Committee/Committees constituted under section 215 of the Motor Vehicle Act,1988 (Act No. 59 of 1988);
 - (h) "District Road Safety Cell" means the Cell constituted by the District Road Safety Committee with dedicated manpower drawn from each of the stake holder department in the district to act as Secretariat of the District Road Safety Committee for carrying out the assigned function of the Committee.
 - (i) "Fund Management Committee" means the State Road Safety Fund Management Committee constituted for management of the Assam Road Safety Fund established under rule 10 of these rules;
 - (j) "Financial Year" means a period of twelve months commencing on the first day of April of a calendar year and ending on the 31st day of March of the succeeding calendar year;
 - (k) "Fund" means the Assam Road Safety Fund established under rule 9 of these rules;
 - (l) "Lead Agency" means Secretariat of the State Road Safety Council established under rule 5 of these rules;
 - (m) "Public Road" means any road including private road to which public have access and also includes the traffic islands, medians and foot paths ;
 - (n) "prescribed" means rules as prescribed under these rules;
 - (o) "registering authority" means officer appointed under clause (37) of section 2 of the Act;

- (p) "Scheme" means scheme implemented to achieve the objectives of the Assam Road Safety Fund and includes projects, programmes, works etc ;
 (q) "State" means the State of Assam; and
 (r) "State Government" means the Government of Assam.

(2) Words and expression used and not defined in these rules but defined in the Motor Vehicle Act,1988 (Central Act 59 of 1988), shall have the meanings respectively assigned to them in the said Act.

**Constitution of State
Road Safety Council**

3. (1) The State Government may, by notification in the Official Gazette as required under sub-section (2) of section 215 of the Act, constitute a State Road Safety Council to advise the State Government in all matters pertaining to standard of Safety to be observed in Road Transport Sector and to implement the schemes defined under these rules with a Chairman and the members as follows :-

Official Members (State Government)

- | | |
|---|-----------|
| (a) Minister of Transport, Assam, | Chairman; |
| (b) Senior most Secretary,
Home Department | Member; |
| (c) Senior most Secretary,
Transport Department | Member; |
| (d) Senior most Secretary,
Health & Family Welfare
Department | Member; |
| (e) Senior most Secretary,
Education Department | Member; |
| (f) Senior Most Secretary,
Forest Department. | Member; |
| (g) Director General of Police or his
representative not below the rank of IGP | Member; |
| (h) Commissioner & Spl. Secretary /
Secretary, PWD (Road) Department | Member; |
| (i) Commissioner & Spl. Secretary /
Secretary, PWD (NH) | Member; |
| (j) Senior most Secretary,
Excise Department | Member; |
| (k) Senior most Secretary,
Finance Department | Member; |
| (l) Senior most Secretary,
U.D. Department | Member; |

- (m) Senior most Secretary, P& RD Department Member;
- (n) The LR & Secretary / LR & Commissioner & Secretary, Judicial Department Member;
- (o) MD, Assam Power Distribution Company Ltd. (APDCL) Member;
- (p) Commissioner of Transport, Assam Member-Secretary;

Official members (Central Government) :-

- (q) Regional Officer, Ministry of Road Transport and Highways(MoRTH) Guwahati;
- (r) Representative of General Manager, N.F. Railways, Guwahati;
- (s) Chief General Manager, National Highway Authority of India(In-charge of Assam);
- (t) Representative of National Highways Infrastructure Development Corporation Ltd(NHIDCL);

Non-official co-opted members :-

- (u) President / General Secretary, Bar Association, Gauhati High Court;
- (v) President / General Secretary, All Assam Motor Transport Association;
- (w) Two experts in the field of Road Safety.

(2) **Tenure of Non-official co-opted member :-**The tenure of the non-official co-opted members (by name) shall for a period of two years. After two years, the tenure shall automatically terminate. The organization such as All Assam Motor Transport Association, Assam and Bar Association of Guwahati High Court, shall be required to submit nomination of names before the expiry of tenure of the existing member except for nomination made for the first time.

Powers and Functions of State Road Safety Council Assam

4.(1) The powers and functions of the Assam State Road Safety Council shall be, -

- (i) to advise the State Government on all matters pertaining to standard safety to be observed in Road Transport sector;

- (ii) to oversee and review the various provision of Motor Vehicle Act,1988 and rules framed under the Act with special emphasis on Road Safety;
 - (iii) to formulate and recommend various road Safety Programmes for implementation by Road Safety Cells in the State Level as well as District level;
 - (iv) to formulate and recommend the measures to be taken for imparting traffic education through print and electronic media;
 - (v) to undertake programmes like work places seminar, conference, debates etc. on the matter relating to Road Safety;
 - (vi) to formulate & recommend methods for Seeking public participation in Traffic Management for Road Safety;
 - (vii) to suggest areas for research and development for improving of safety aspects on Road Transport sector which will include maintenance of data / statistics of road accidents and their analysis, development of innovative traffic & enforcement technology;
 - (viii) to formulate State policy for Road Safety;
 - (ix) to suggest and recommend for establishment of Road Safety Fund for implementation of schemes/programmes of Road Safety through Road Safety Cell in State Level as well as in District level;
- (2) The State Road Safety Council, with the approval of the State Government delegate to the Fund Management Committee and the 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 conditions or restriction, as the case may be, as it deem fit and proper.
- (3) The State Road Safety Council shall hold its meeting atleast twice in a calendar year.

**Lead Agency or
Secretariat of the State
Road Safety Council**

5. There shall be a lead Agency which will work as a Secretariat for the State Road Safety Council led by the Nodal Officer (not below the rank of Addl. Commissioner of

Transport or the officer in equivalent rank of Lead Department or other stake holder departments supported by such number of fulltime officers and staff under his control deputed from the concerned stake holder Departments i.e. Police, Transport, Public Works Department, Education, Health, Excise, Municipal administration, Forest and Assam Power Distribution Company Ltd. (APDCL) etc. as may be required for efficient functioning of the Lead Agency.

**Powers and functions
lead agency**

6. The powers and functions of lead agency shall be as follows :-
 - (i) To work as a secretariat for the State Road Safety Council, arrange meetings of the Council, issue its Minutes and monitor the implementation of the decisions of the Council by the concerned Departments of the State;
 - (ii) To co-ordinate with the concerned Departments of the State Government to ensure implementation of the directions issued from time to time by the Committee on Road Safety constituted by Hon'ble Supreme Court of India and furnish Compliance Report in a time bound manner;
 - (iii) To ensure implementation of the directions given by the Central Government from time to time;
 - (iv) To notify annual targets for reduction of accidents and fatalities as fixed by the State and draw up an Annual Action Plan to achieve the targets and monitor its implementation;
 - (v) To collect on regular basis data on road accidents and analyse the data to identify areas / road stretches and categories of accident victims who should be focused upon;
 - (vi) To co-ordinate with the fund management Committee in managing and keeping proper accounts of the State Road Safety fund and ensure that fund is effectively utilized;
 - (vii) To maintain proper books on accounts and other records relating to the fund and its receipts and expenditure;
 - (viii) To furnish books, records and such other materials to the persons responsible for making, preparing audits of Accounts of the fund from time to time and as and when required;

Constitution of District Road Safety Committee

7. (1) The State Government may, by notification in the Official Gazette as required under sub-section (3) of section 215 of the Act, constitute the District Road Safety Committee for each district in the State consisting of a Chairman and the members as follows :-

- | | |
|---|-------------------|
| (a) The Deputy Commissioner of the district | Chairman; |
| (b) The Chairman, Municipal Board | Member; |
| (c) Superintendent of Police of the district | Member; |
| (d) Joint Director (Health Service) of the district | Member; |
| (e) Executive Engineer PWD (Road) | Member; |
| (f) Executive Engineer, PWD (NH) | Member; |
| (g) Inspector of Schools and DEEO of the district | Member; |
| (h) Superintendent of Excise | Member; |
| (i) Representative of National Highway Authority of India (NHAI) | Member; |
| (j) Representative of National Highways Infrastructure Development Corporation Limited (NHIDCL) | Member; |
| (k) Divisional Forest Officer (DFO) | Member; |
| (l) General Manager / Deputy General Manager Assam Power Distribution Company Ltd. (APDCL) | Member; |
| (m) District Transport Officer and Secretary, Regional Transport Authority (RTA) | Member-Secretary; |

Non-official co-opted member :

- (n) President / Secretary, District Motor Transport Association;
- (o) President / Secretary District Bar Association;
- (p) Two experts on Road Safety

(2) The tenure of the non-official co-opted member shall be for a period of 02 (two) years. After completion of 02 (two) years the tenure shall automatically terminate. The organization such as District Motor Transport Association / District Bar Association shall be required to submit nomination of the names before the expiry of tenure of the existing member except for nomination made for the first time.

Powers and functions of District Road Safety Committee

- 8.(1)The powers and functions of the District Road Safety Committee shall be, -
- (i) to advise the State Road Safety Council on Road Safety Policy;
 - (ii) to carry out and enforce the Road Safety standard and procedures as laid down by State Road Safety Council;
 - (iii) to implement the Road Safety Schemes, projects and Programmes as recommended by State Road Safety Council and the Committee;
- (2) The District Road Safety Committee shall implement the Road safety Schemes, projects and programmes and works related to road safety measures through "District Road Safety Cell" constituted by it in association with the dedicated manpower provided by each Stake holding Department in the District.
- (3) The District Road Safety Committee shall hold its meeting at least once in every month to oversee its functioning and implementation of Road Safety Schemes, projects and programmes.

Establishment of Assam Road Safety Fund, its objectives and Utilization

- 9.(1)There shall be established a fund - called as "Assam Road Safety Fund" by the State Government with the object of strengthening road safety and implementation of road safety schemes, projects, programmes and works related to road safety measures in the State.
- (2) There shall be credited to the fund, -
- (i) the road safety cess on Motor Vehicles charged, levied and collected by the State Government under section 4D of Assam Motor Vehicle Taxation Act, 1936 (as amended) vide Assam Act No. XI of 2011) which shall be transferred and entered into the Road Safety Fund every year from the consolidated fund of the State after deducting the expenses of collection and recovery, as determined by the Government, under appropriation duly made by law in this behalf;
 - (ii) grants, loans, advances made by the State Government or by the Government of India as the case may be;
 - (iii) contribution from public or private institution or organization as may be concurred by the Finance Department of the State Government with procedure for receipt and utilization.

(3) All amounts forming the part of the fund shall be deposited in the Account opened in any nationalized bank, as may be decided by the Fund Management Committee after approval of the State Road Safety Council. The account shall be operated jointly by the Chairman and the Member Secretary of the Fund Management Committee in such manner as the Committee decides.

(4) The Fund shall be utilized to achieve the following objectives:-

- (a) To make and implement schemes, projects and programmes including awareness programmes pertaining to road safety and works related to road safety measures;
- (b) To develop infrastructure connected with road safety as per existing norms.
- (c) To take necessary steps for safe plying of vehicles and secure movement of road users;
- (d) To identify accident prone places and take corrective measures for the same;
- (e) To impart knowledge of traffic rules and create awareness amongst the public;
- (f) To provide fund for training programmes regarding road safety;
- (g) To provide fund for availing services of experts and experience professionals on road safety measures including conducting Road Safety Audit.
- (h) To provide equipments and vehicles to the State Road Safety Cell and the Dist. Road Safety Cell for enforcement and controlling road accidents;
- (i) To take steps for making driving license system effective;
- (j) For payment of the salaries and establishment/office expenditures of the Council, Committees and State/District Road Safety Cells;
- (k) To take steps for making the certification system of fitness of motor vehicles effective;
- (l) To provide rescue and post-accident care;
- (m) To conduct educational programmes, studies and research on road safety;

Fund Management Committee

- (n) To collect and analyze road accident data;
 - (o) To provide fund for establishment / upgradation of trauma care centre along with Advance Life Support (ALS) ambulances and training of medical personnel on trauma care, in addition to Department's fund;
 - (p) To provide for such other expenditure incidental to road safety as the State Government and the Council may deem fit.
10. There shall be a Fund Management Committee of the Assam State Road Safety Council to operate and manage the Fund. The Administrative Department in respect of Fund shall be the Transport Department, Government of Assam and the Fund shall be operated and managed by the Fund Management Committee consisting of the following :-
- (a) Chief Secretary to the Government of Assam -Chairman, Ex-officio;
 - (b) Senior most Secretary to the Government of Assam, Transport Department -Vice-Chairman, Ex-officio;
 - (c) Senior most Secretary to the Government of Assam, Public Work Department (Road & NH) -Member, Ex-Officio;
 - (d) Senior most Secretary to the Government of Assam, Home Department -Member, Ex-Officio;
 - (e) Senior most Secretary to the Government of Assam, Health Department -Member, Ex-Officio;
 - (f) Senior most Secretary to the Government of Assam, Urban Dev. Department -Member, Ex-Officio;
 - (g) Senior most Secretary to the Government of Assam, Excise Department -Member, Ex-Officio;
 - (h) Senior most Secretary to the Government of Assam, Finance Department -Member, Ex-Officio;
 - (i) Senior most Secretary to the Government of Assam, Education Department. -Member, Ex-Officio;

- (j) Senior most Secretary to the- Member, Ex-Officio;
Government of Assam,
Guwahati Development Department
- (k) Commissioner of Transport, -Member-Secretary
Assam, Ex-Officio.

**Powers, rights and duties of the
Fund Management Committee**

11. (1) The Fund Management Committee shall be in-charge of the Fund and responsible for approval and sanction of the schemes, projects and programmes and works related to road safety measures recommended by the Council for their implementation.
- (2) The Fund Management Committee shall monitor and review the physical and financial progress of the approved/sanctioned schemes, projects, programmes or other activities financed from the Fund.
- (3) The Fund Management Committee shall ensure maintenance of all records in regard to maintenance of the Fund in accordance with these rules.
- (4) The Fund Management Committee, subject to such restrictions, conditions and limitations, as may be proposed by the Council, shall exercise such powers and discharge such functions as may be delegated by the Council.
- (5) Every matter to be decided by the Fund Management Committees shall be considered and disposed off in the meetings of the Committee, as the case may be, in accordance with the decision of the majority of the members present.
- (6) The quorum in a sitting of the Fund Management Committee shall be five members including Chairman.
- (7) Members of the Fund Management Committee shall have right to vote in a meeting.
- (8) In case of equality of votes, the Chairman shall have a casting vote for arriving at a decision on any subject taken up in a meeting.
- (9) The Fund Management Committee shall have the authority to approve the schemes involving any expenditure within the amounts available in the Fund.

<p>District Road Safety Committee to submit reports, returns and information</p>	<p>(10)(a) The Fund Management Committee may, with prior approval of the Council and the State Government, may appoint such officers and staff in the State and the District Road Safety Cells for discharging the functions of the Council or the Committee as it deem necessary under these rules.</p> <p>(b)The designation, method of appointment and other condition of service of the Staff shall be such as may be determined by the Fund Management Committee in consultation and prior approval of the State Government.</p> <p>(c) All expenses of administration of the Fund including the salary and allowances of the staff and other employees shall be met from the Fund.</p>
<p>Nature of scheme which May be covered under the Fund</p>	<p>12. Every District Road Safety Committee shall submit such reports, returns and furnish such information to the Member Secretary-Ex-officio of the Fund Management Committee as may be required from time to time and the Member- Secretary of the Fund Management Committee shall submit a consolidated report to the Council.</p> <p>13.(a) <u>Work related to road safety measures</u> :-</p> <p>(i) To install mandatory / regulatory, cautionary warning, informatory guide signs as relevant IRC code and various traffic signals, etc. including their maintenance as per immediate local needs, in the interest of public safety and to reduce mortality in case of accidents, where it is not possible for other departments to install / maintain;</p> <p>(ii) To set up 'Road Accident Data Base Management System' for reporting and making analysis of road accidents and for controlling road accidents;</p> <p>(iii) To reimburse expenditure incurred on the transportation of the injured persons in road accidents to hospitals;</p> <p>(iv) To purchase and maintain ambulances, other accessories, salary of driver, para-medical staff and</p>

expenditure on fuel etc. of the ambulances, to provide immediate medical relief to persons injured in accidents;

(v) To conduct Road Safety Audit & identification of accident prone locations.

(vi) To take corrective/reformatory measures after studying the causes of road accidents and identifying accident prone places.

(vii) To purchase and maintain equipments for traffic management and road safety including cranes and weighing machines;

(viii) To conduct refresher training for the Licence holders and to conduct test/evaluation of such training including among the drivers.

(ix) To set up driving training schools and driving Test Tracks for strengthening the driving license system;

(x) To set up Certification Centres for checking fitness of vehicles and issue certificate of fitness;

(xi) To provide Mobile Testing Equipments for checking of vehicles;

(xii) To set up check posts, parking areas for impounded vehicles and weighing bridges;

(b) Work related to Traffic Education:-

(i) To establish in collaboration with other departments or otherwise the traffic education parks;

(ii) To make wide publicity of traffic rules in public;

(iii) To organize various competitions for imparting knowledge of traffic rules and awareness about road safety;

(iv) To prepare publicity materials related to Traffic management and road safety;

(v) To purchase and maintain equipments related to traffic education;

(vi) To purchase publicity vans equipped with audio-video equipments, computers and other accessories and utilize them to impart traffic education to public at large;

(vii) To organize road safety exhibitions.

(viii) To organize seminars, workshops, meetings, rallies, competitions and other such programmes related to traffic education etc.

(ix) To organize traffic related training for different ranks of Police, Transport and Local Bodies officers/staff;

(x) To conduct studies to improve Traffic Management for controlling road accidents.

(c) Work related to Enforcement:

(i) To purchase, operate and maintain modern Traffic enforcement equipments;

(ii) To purchase and maintain the vehicles.

Procedure for submission of scheme to the Fund

14.(1) The State Transport Commissioner as member-secretary of the Fund Management Committee shall place the scheme before the Fund Management Committee, the Committee after due examination of the same which he receives from Transport, Police, Health, Public Works Departments, Education Department, District Road Safety Committees etc. or suo-moto prepared by him.

(2) Formal administrative and financial sanction shall be issued by the State Transport Commissioner for financing the schemes after approval thereof from the Fund Management Committee.

Responsibilities for execution of Scheme financed from the Fund

15.(1) The State Transport Commissioner shall co-ordinate the work related to the successful execution of schemes:

(2) Heads of the Stake holder Departments of Road Safety shall be responsible for successful implementation of schemes and for regular monitoring of construction, maintenance and repairs of assets/equipments etc. financed from the Fund within the area of their respective jurisdiction. They shall supervise, monitor and review physical and financial progress of the schemes. The senior most district level officer of respective department shall also be responsible for supervising, monitoring of scheme in their jurisdiction & issuing completion certificate of the scheme.

(3) The relevant Act and Rules and other Government Instructions issued from time to time

shall be complied with in respect of the cases of purchases relating to the approved schemes.

Maintenance of fund and Audit :

16. (1) The Financial Adviser of Transport Department or such other Finance and Accounts Officer in the State Transport Commissioner's office as authorized by the Transport Department, Assam shall maintain Accounts of the expenditure incurred from the fund in accordance with the provision of Assam Financial Rules, Instructions and the Treasury Rules. The accounts will be reconciled with the record of the office of the Accountant General (Accounts & establishment), Assam. Before the closure of the Annual accounts, orders related to reconciliation adjustments shall be made available to the Accountant General (Accounts& Expenditure), Assam simultaneously.

(2) The unutilized money left in the Fund at the end of the Financial year shall remain in the Fund. Such balance or unutilized amount in the Fund shall be utilized in the next financial year with concurrence from the Finance Department.

(3) The accounts shall be audited by the Accountant General (Audit), Assam.

(4) The detailed report of receipts in and the expenditure from the fund shall be submitted by the Member-Secretary - Ex-officio (i.e. Commissioner of Transport, Assam) to the Council and the State Govt. from time to time or as may be required.

ASHUTOSH AGNIHOTRI,

Commissinoer & Secretary to the Govt. of Assam,
Transport Department.