

Published on 24-02-18

Fourteenth Kerala Legislative Assembly

Bill No. 109

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**THE KERALA ROAD SAFETY AUTHORITY (AMENDMENT)  
BILL, 2018**

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2018

KERALA NIYAMASABHA PRINTING PRESS.

**Fourteenth Kerala Legislative Assembly**  
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**THE KERALA ROAD SAFETY AUTHORITY (AMENDMENT)**  
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[Translation in English of “2018-ലെ കേരള റോഡ് സുരക്ഷാ അതോറിറ്റി (ഭേദഗതി) ബിൽ” published under the authority of the Governor]

THE KERALA ROAD SAFETY AUTHORITY (AMENDMENT)

BILL, 2018

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*BILL*

*to amend the Kerala Road Safety Authority Act, 2007.*

*Preamble.*— WHEREAS, it is expedient to amend the Kerala Road Safety Authority Act, 2007 (8 of 2007) for the purposes hereinafter appearing;

BE it enacted in the Sixty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Kerala Road Safety Authority (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 21st day of November, 2017.

2. *Amendment of section 9.*— In the Kerala Road Safety Authority Act, 2007 (8 of 2007), (hereinafter referred to as the principal Act) for section 9, the following section shall be substituted, namely:—

“9. *Road Safety Commissioner.*— The Government may for the purpose of this Act, appoint an officer not below the rank of Inspector General of Police as the full time Road Safety Commissioner.”.

3. *Repeal and saving.*—(1) The Kerala Road Safety Authority (Amendment) Ordinance, 2018 (5 of 2018) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

#### STATEMENT OF OBJECTS AND REASONS

The Supreme Court Committee on Road Safety constituted by the Hon'ble Supreme Court of India to measure and monitor on behalf of the Hon'ble Supreme Court for the implementation of various laws relating to road safety in respect of each State and Union Territories has directed the State Governments to constitute a Lead Agency to exclusively deal with road safety issues. The said Committee has pointed out that the Road Safety Council constituted under the Chairmanship of Ministers, Transport Secretary or Transport Commissioner etc. as Lead Agency cannot perform the duties of a Lead Agency and as such a Council or Committee cannot function on a full time basis and continuously monitor the implementation of road safety measures as directed by the Committee. The Committee has also directed to appoint a senior officer so as to co-ordinate the road safety measures.

2. As per section 9 of the Kerala Road Safety Authority Act, 2007 (8 of 2007), the Transport Commissioner is the *ex-officio* Road Safety Commissioner of the Kerala Road Safety Authority constituted under section 3 of the said Act. As directed by the Supreme Court Committee on Road Safety, the Government have decided to appoint a Full Time Road Safety Commissioner by making necessary amendment in section 9 of the said Act. Section 9 proposed to be substituted provides that the Government may appoint an officer not below the rank of Inspector General of Police as the Full Time Road Safety Commissioner for the purpose of the Act.

3. As the Legislative Assembly of the State of Kerala was not in session, and as the said proposal had to be given effect to immediately, the Kerala Road Safety Authority (Amendment) Ordinance, 2017 was promulgated by the Governor of Kerala on the 20th day of November, 2017 and the same was published as Ordinance No. 25 of 2017 in the Kerala Gazette Extraordinary No. 2564 dated the 21<sup>st</sup> day of November, 2017.

4. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 100, the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 22<sup>nd</sup> day of January, 2018 and ended on the 7th day of February 2018.

5. As the provisions of the said Ordinance are to be kept alive and the Kerala Legislative Assembly was not in session the Governor of Kerala has promulgated the Kerala Road Safety Authority (Amendment) Ordinance, 2018 on the 12<sup>th</sup> day of February, 2018 and the same was published as Ordinance No. 5 of 2018 in the Kerala Gazette Extraordinary No. 337 dated 12th February, 2018.

6. The Bill seeks to replace Ordinance No. 5 of 2018 by an Act of the State Legislature.

#### FINANCIAL MEMORANDUM

Section 9 proposed to be substituted as per clause 2 of the Bill, provides to appoint an officer not below the rank of Inspector General of Police as the full time Road Safety Commissioner of the Kerala Road Safety Authority. When appointment to the said post is made on deputation basis, salary and other ancillary allowances of the parent department shall be paid to the said officer. For this an approximate annual expenditure of ₹ 26,64,000/- (Twenty six lakhs sixty four thousand only) is expected. The said amount will be met from the Non Plan Fund of the Kerala Road Safety Authority. No expenditure other than those stated above would be involved from the Consolidated Fund of the State.

A. K. SASEENDRAN.

(True Translation)

EXTRACT FROM THE KERALA ROAD SAFETY AUTHORITY  
ACT, 2007 (8 OF 2007)

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9. *Road Safety Commissioner.*- The Transport Commissioner shall be the *ex-officio* Road Safety Commissioner for the purpose of this Act.

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