

Bill No. 166 of 2019

**THE USE OF MOBILE ELECTRONIC DEVICES BY PEDESTRIANS
ON ROAD (REGULATION) BILL, 2019**

By

SHRI BHARTRUHARI MAHTAB, M.P.

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*to regulate the use of mobile electronic devices by pedestrians on road and for matters
connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventieth year of the Republic of India as follows:—

1. (1) This Act may be called the Use of Mobile Electronic Devices by Pedestrians on Road (Regulation) Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

5 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.	<p>2. (1) In this Act, unless the context otherwise requires—</p> <p style="padding-left: 2em;">(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;</p> <p style="padding-left: 2em;">(b) “mobile electronic device” means a mobile phone, digital audio or video player or any other hand-held electronic device excluding hearing aids and other medical assistive devices as specified by the appropriate Government by rules or notification, to be considered as mobile electronic devices for the purpose of this Act; and</p> <p style="padding-left: 2em;">(c) “pedestrian” means a person travelling on foot, whether walking or running.</p>	5
Prohibition on use of mobile electronic devices.	<p>3. Notwithstanding anything contained in any other law for the time being in force, the use of mobile electronic devices by pedestrians while walking on roads is hereby prohibited.</p>	10
Penalty.	<p>4. Whoever uses mobile electronic devices while walking on roads shall be punishable—</p> <p style="padding-left: 2em;">(a) for the first offence, with a fine which may extend upto five thousand rupees; and</p> <p style="padding-left: 2em;">(b) for each subsequent offence, with a fine which may extend upto ten thousand rupees:</p> <p style="padding-left: 2em;">Provided that where a person convicted of an offence punishable under this section fails to pay the fine under clauses (a) or (b), as the case may be, he shall be punishable with simple imprisonment for a term not exceeding one month for the first offence and two months for each subsequent offence, respectively.</p>	15
Power to remove difficulties.	<p>5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:</p> <p style="padding-left: 2em;">Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.</p>	20
Act to have overriding effect.	<p>6. The provision of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.</p>	25
Act not in derogation of any other law.	<p>7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.</p>	30
Power to make rules.	<p>8. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p style="padding-left: 2em;">(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, 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.</p> <p style="padding-left: 2em;">(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.</p>	35
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STATEMENT OF OBJECTS AND REASONS

As per an estimate, on an average four hundred persons die in road accidents in India every day. This comes to a whopping seventeen deaths every hour. Among the most vulnerable on roads are the pedestrians. While rashly driven vehicles are believed to be a primary cause of road accidents, there is clear evidence that negligent behaviour on the part of pedestrians have often been among major causes of such accidents. Use of mobile phones and other electronic devices by pedestrians is prominent example of such behaviour.

There is no dearth of incidents where pedestrians can be seen talking over mobile phone, texting or watching a video while walking or even crossing a road. Many countries have framed strict laws which contain penal provisions for using mobile electronic devices while walking on roads. With strict laws and impeccable implementation, they have been able to contain such incidents to a large extent.

In India, however, while there are express penal provisions for drivers using mobile electronic devices, there is an urgent need to have equally stringent provisions for pedestrians who use mobile electronic devices while walking on roads.

Towards this end, the Bill seeks to make use of mobile electronic devices while walking on roads an offence punishable with fine of five thousand rupees for the first offence and ten thousand rupees for subsequent offences. The Bill also provides that in case the guilty individual fails to pay the fine, he shall be punishable with simple imprisonment up to one month or two months for first offence and subsequent offence, respectively.

The Bill seeks to achieve the above objects.

NEW DELHI;
June 17, 2019.

BHARTRUHARI MAHTAB

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2(1)(b) of the Bill empowers the appropriate Government to specify, by rules or notification, the devices which shall be considered mobile electronic devices for the purposes of the Bill. As the rules or notification will relate to matters of detail only, the delegation of legislative power is, of a normal character.

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(Shri Bhartruhari Mahtab, M.P.)