

Bill No. 156 of 2025

THE CONSTITUTION (AMENDMENT) BILL, 2025

By

SHRI KRISHNA PRASAD TENNETI, M.P.

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*further to amend the Constitution
of India.*

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India
as follows:—

1.(1) This Act may be called the Constitution (Amendment) Act, 2025.

Short title and
commencement.

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

2. After article 21A of the Constitution, the following article shall be inserted,
namely:—

Insertion of new
article 21B.

10 **“21B. The State shall secure the right to safer roads to all citizens by
adopting and enforcing comprehensive measures including emergency
medical and trauma facilities for road safety and prevents road traffic
injuries and fatalities in such manner as the State may by law, determine.”.**

Right to safer
roads.

STATEMENT OF OBJECTS AND REASONS

Road safety and fatalities resulting from it is a critical public concern in India, with the nation experiencing an alarming rate of road crashes and fatalities that far exceed many other public health crises. With over 1.68 lakh lives lost annually from road crashes, this poses a significant threat to the right to life and personal liberty, as guaranteed under Article 21 of the Indian Constitution. India has pledged to achieve SDG 3.6, that is, to reduce road crashes and deaths by 50 per cent by 2030. This singular issue of unsafe roads takes more lives than HIV and Malaria combined in India.

Further, the 2022 Road Accidents in India Report reveal that approximately 45% of the accidental deaths in the country, amounting to 36.5 lakh people, died without receiving any medical attention, this is a stark reminder of the urgent need to address the deficiencies in our current healthcare infrastructure. The 2021 report of NITI Aayog and AIIMS found that 30% mortalities were due to delayed emergency care, 98.5% of ambulance runs were made only transporting dead bodies, 90% of ambulances were functioning without any equipment/oxygen, 95% of ambulances had untrained personnel and most ED doctors had no formal training in EMS.

The judiciary has repeatedly underscored the criticality of road safety and trauma care. In *Ratan Singh vs. State of Punjab* (1980 AIR 84), the Supreme Court called Indian roads “death traps” and emphasized on the need for stringent road safety measures. In *MC Mehta vs. Union of India* (13029 of 1985), the Court noted road safety as the fundamental right to life under Article 21, emphasizing that public safety measures should override individual rights when necessary. Similarly, on its own motion *vs. State of NCT of Delhi* [WP (CRL) 878/2007] the Delhi High Court took proactive steps to phase out dangerous Blue Line buses highlighting the precedence of the right to life (Article 21) over the right to conduct business [Article 19(1)(g)], emphasizing that public safety and the right to life are paramount. In *Pt. Parmanand Katara vs. Union of India* (1989) and *Paschim Banga Khet Mazdoor Samity & others vs. State of West Bengal & Another*, the court has interpreted emergency medical care as a right under Article 21.

Despite these judicial pronouncements, the enforcement of road safety measures and development of a comprehensive trauma care framework remains inconsistent, and existing laws have not adequately curbed the growing menace. The courts have also emphasized that legislative and policy measures are imperative to address the systemic issues effectively. Therefore, the proposed bill seeks to recognize the Right to Safer Roads and Right to Trauma Care as a fundamental right for every citizen of India. Establishing this right will mandate that road safety is given paramount importance, not merely as a matter of policy but as an enforceable constitutional guarantee.

Hence this Bill.

NEW DELHI;
January 3, 2025.

KRISHNA PRASAD TENNETI

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed article 21B provides for right to safer roads to all citizens by adopting and enforcing comprehensive measures that guarantee road safety and prevent road traffic injuries and fatalities. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifteen thousand five hundred crore per annum.

A non-recurring expenditure of about rupees one lakh twenty thousand crore is also likely to be involved.

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(Shri Krishna Prasad Tenneti, M.P.)