[As introduced in the Rajya Sabha
on the 11th July, 2014]

Bill No. XXVIII of 2013

THE HOMICIDE ON ROADS AND HIGHWAYS (PREVENTION AND MISCELLANEOUS PROVISIONS) BILL, 2013

A

BILL

to prevent homicide on roads and highways due to rash, negligent and drunken driving by providing deterrent punishment of life imprisonment to the accused and for providing timely medical treatment to the victim, provision of well equipped ambulances at conspicuous places on roads and highways, compensation to the kin of the deceased and establishment of trauma centres and for matters connected therewith and incidental thereto

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Homicide on Roads and Highways (Prevention and Miscellaneous Provisions) Act, 2013.

5 (*2*) It extends to whole of India.

(*3*) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

10 (*b*) "prescribed" means prescribed by rules made under this Act;

(*c*) "Special Court" means Special Courts established for the trial of offences under this Act under section 4;

(*d*) terms and phrases used but not defined in this Act and defined in the Indian Penal Code, 1860 or the Code of Criminal Procedure, 1973 or the Motor Vehilces Act, 1988 or the National Highways Act, 1956 shall have the meanings respectively assigned to them in those Acts.

45 of 1860.
2 of 1974.
59 of 1988.
48 of 1956.

Penalty.

3. Notwithstanding anything contained in any other law for the time being in force Whoever,—

(*a*) commits homicide on a road or highway including national highway, as the case may be, due to his rash or negligent or drunken driving, he shall be punishable with imprisonment for life, which shall mean to remain in jail custody till the end of his life and also with fine which may extend to five lakh rupees;

(*b*) causes accident on a road or highway including national highway due to his rash or negligent or drunken driving resulting in grivious hurt or permanent incapacitation of the accident victim of such driving, he shall be punishable with imprisonment which shall not be less than seven years but may extend to ten years and also with fine which may extend to seven lakh rupees;

(*c*) causes accident on a road or highway including national highway with another vehicle or vehicles, as the case may be, due to his rash or negligent or drunken driving thereby causes hurt or injuries to the accident victim or damages vehicles, he shall be punishable for imprisonment which shall not be less than three years but may extend to five years and also with fine which may extend to two lakh rupees;

(*d*) drives a vehicle under intoxication on a road or highway including national highway or overspeeds the vehicle therein which is likely to cause an accident the vehicle being driven by such a person shall be impounded permanently and he shall also be liable to fine which may extend to fifty thousand rupees; and

(*e*) where a person committing an offence under clauses (a) to (d) under this Act is a minor and it is proved that the vehicle driven by him was given or taken with the consent of any of his parents or guardian, as the case may be, such parent or guardian shall be deemed to be guilty of such offence and punished accordingly.

Special Courts to try offences.

4. (*1*) The offences under this Act shall be tried by Special Courts.

(*2*) The appropriate Government shall, in consultation with the Chief Justice of the concerned High Court in the case of a State and the Chief Justice of India in other cases, by notification in the Official Gazette, constitute such number of Special Courts as it may deem necessary for carrying out the purposes of this Act.

(*3*) The set up of a Special Court constituted under sub-section (1) of section 4 shall be such as may be prescribed.

Miscellaneous provisions.

5. The appropriate Government shall,

(*a*) provide timely medical treatment to the victim and the accused, in case he is wounded, in such manner as may be prescribed;

(*b*) make provisions of well equipped ambulances in such numbers as it may deem necessary and expedient and station them at conspicuous places on the major roads and highways including national highway so that the ambulance reaches the place of accidents without loss of precious time;

(*c*) establish sufficient number of trauma centres near the periphery of roads and highways including national highways with such facilities, as may be prescribed to treat the accident victims;

(*d*) pay compensation of minimum of ten lakh rupees to the next kin of deceased victim under this Act in such manner as may be prescribed; and

(*e*) remove the existing liquor shops of vendors from highways including national highways and shall not give liquor licence to be set up near the highways in any manner whatsoever.

2 of 1974.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, offences under this Act shall be congnizable and non bailable.

Offences to be cognizable and non bailable.

7. Notwithstanding anything contained in any other law for the time being in force no court other than a High Court or the Supreme Court of India shall have the authority to grant anticipatory bail to any person accused of committing an offence under this Act.

Bar on granting anticipatory bail.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf provide funds, from time to time, for carrying out the purposes of this Act.

Central Government to provide funds.

9. The provisions 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, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to have overriding effect.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

According to an official estimate more than nine thousand people on an average lose their lives due to rash, negligent and drunken driving on national highways alone in the Country and majority of these deaths are caused by drunken driving. Lakhs of people are critically wounded leading to their permanent incapacitation and losing their limbs in these accidents. Majority of the killed ones are innocent people, many of them are sole bread earners of their families. These deaths leave behind agonies, miseries and dark future for the members of the families and their children. Similarly, countless deaths are caused due to same reasons on other highways and roads and more so in urban areas. Majority of these deaths and serious wounds are caused by the negligence, rash or overspeeding and driving under intoxication and such reckless drivers come from all classes of society. They may be rich or in particular neo rich, middle class or coming from the poor sections of the society but one thing is common in them and that is once they consume liquor or other intoxicants, many innocent people are killed while they are driving on the roads and highways. Many a times such drunkards are also killed in these accidents but their number is very few. There is a feeling in our society that the existing law and law enforcing machinery ensures that rich are not affected in any manner after causing the accidents. They generally plead the excuse that brakes of their vehicle had failed and clearly hiding the fact that they were drunk while driving. The existing laws are not enough deterrent for them. Under the Motor vehicles Act, 1988 a drunk driver can be fined two thousand rupees or can be jailed for maximum period of six months. Under the Indian Penal Code to maximum jail term for negligent driving is six months. It is very common that the drunk who has killed innocent people gets bail at the Police Station itself and then he easily jumps the bail also.

Though there may be several reasons for the homicides committed on roads and highways but the main reason is there is no fear of law. Hence, a deterrent law is the need of the hour to reduce homicides on roads and highways. Along with this, there is need to provide timely medical treatment, ambulance services, trauma centres for treatment of victims, adequate compensation to the kins of those killed and several other provisions in the law itself.

Hence this Bill.

DR. AKHILESH DAS GUPTA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of Special Courts to try offences. Clause 5 provides for giving timely medical treatment to victims, well equipped ambulances, sufficient number of trauma centres, provision of payment of compensation of minimum of ten lakh rupees to the next of kin of the victim etc. Clause 8 makes it obligatory for the Central Government to provide funds for carrying out the purposes of this Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the amount at this stage, but it is estimated that a sum of rupees fifty thousand crore may involve as recurring expenditure per annum.

A sum of rupees Eighty thousand crore may also involve as non-recurring expenditure from the Consolidated Fund of India for creating infrastructure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

A

BILL

to prevent homicide on roads and highways due to rash, negligent and drunken driving by providing deterrent punishment of life imprisonment to the accused and for providing timely medical treatment to the victim, provision of well equipped ambulances at conspicuous places on roads and highways, compensation to the kin of the deceased and establishment of trauma centres and for matters connected therewith and incidental thereto

---

(*Dr. Akhilesh Das Gupta, M.P.*)

GMGIPMRND—1077RS(S4)—11.07.2014.