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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 26th February, 2018 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 1 OF 2018.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 27th February, 2018).

AN ACT

to provide for the constitution of a Road Safety Authority for the implementation of road safety programmes in the State and to act as a lead agency for road safety; for the establishment of road safety fund and for matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

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

(2) It shall be deemed to have come into force on the 3rd October, 2017.

Definitions. 2.

(1) In this Act, unless the context otherwise requires, -

- (a) “accident” means any incident wherein on account of the use of a motor vehicle on a public road, death, bodily injury or damage is caused to any person or property, as the case may be;
- (b) “Authority” means the Gujarat Road Safety Authority constituted under section 3;
- (c) “Chairman” means the Chairman of the Authority or of the Executive Committee, as the case may be;
- (d) “Enforcement officer” means the Enforcement Officer appointed under this Act and includes the Chief Enforcement Officer or, as the case may be, the Deputy or Regional Enforcement Officer;
- (e) “Executive Committee” means the Executive Committee of the Authority constituted under section 8;
- (f) “Fund” means the Gujarat Road Safety Fund constituted under section 10;
- (g) “Local authority” means,-
 - (i) a Municipal Corporation constituted under the Gujarat Provincial Municipal Corporations Act, 1949;
 - (ii) a Municipality constituted under the Gujarat Municipalities Act, 1963;
 - (iii) a Panchayat constituted under the Gujarat Panchayats Act, 1993;
- (h) “public road” shall include any road to which public have access ; and also the traffic island medians and footpath;
- (i) “prescribed” means prescribed by rules made under this Act;
- (j) “regulations” means the regulations made under section 35;

Bom. LIX of
1949.

Guj. 34 of
1964.

Guj. 18 of
1993.

59 of 1988.

(k) "Road Safety Commissioner" means any officer appointed by the State Government to perform the functions of the Commissioner of Road Safety under this Act and the rules made thereunder and includes a Joint Road Safety Commissioner and the Deputy Road Safety Commissioner;

59 of 1988.

(l) "State, District or City Road Safety Committee" means the State, District or, as the case may be, the City Road Safety Council or Committee constituted under section 215 of the Motor Vehicles Act, 1988;

(m) "vehicle" means vehicles or motor vehicles as defined in the Motor Vehicles Act, 1988 and includes any device used or capable of being used for the carriage of movement of human beings, animals or goods;

(n) "victim" means a victim of an accident.

59 of 1988.

Bom. LXV of 1958.

(2) Words and expressions used but not defined in this Act shall have meanings respectively assigned to them in the Motor Vehicles Act, 1988 and the Gujarat Motor Vehicles Tax Act, 1958.

3. (1) The State Government may, by notification in the *Official Gazette*, constitute, with effect from such date as may be specified therein, an authority to be called "the Gujarat Road Safety Authority (GUJROSA)".

Constitution
of Gujarat
Road Safety
Authority.

(2) The Authority shall be a body corporate by the name as aforesaid, having perpetual succession and a common seal, with powers subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and to contract and shall, by the said name, sue and be sued.

(3) The Authority shall consist of the following members, namely:-

(i) the Minister for Transport, who shall be the Chairman of the Authority;

- (ii) the Secretary to the Government of Gujarat, Transport Department, who shall be the Vice-chairman of the Authority;
- (iii) the Secretary to the Government of Gujarat, Home Department;
- (iv) the Secretary to the Government of Gujarat, Health and Family Welfare Department;
- (v) the Secretary to the Government of Gujarat, Education Department;
- (vi) the Secretary to the Government of Gujarat, Roads and Buildings Department;
- (vii) the Director General of Police, Gujarat State;
- (viii) the Managing Director, Gujarat State Road Transport Corporation (GSRTC);
- (ix) the Municipal Commissioner of Ahmedabad Municipal Corporation;
- (x) the Chief Engineer, National Highway Authority of India (NHAI);
- (xi) the Chairman, Western India Automobile Association (WIAA);
- (xii) the Commissioner of Transport, Gujarat State;
- (xiii) two persons who are experts in the field of road safety, to be nominated by the State Government;
- (xiv) the Chief Enforcement Officer, who shall be the Member-Secretary of the Authority.

(4) The Chief Road Safety Commissioner shall be the Chief Executive Officer of the Authority and thereby he shall be the head of the staff of the Authority.

(5)

**Functions of
Authority.**

4. (1) The Authority shall discharge the following functions, namely:-

- (a) to act as a lead agency of the State for Road Safety;

- (b) to advise the State Government on road safety policies;
- (c) to implement the National Road Safety Policy and the Gujarat Road Safety Policy;
- (d) to work as a secretarial for the State Road Safety Council, arrange meetings of the Council issue its Minutes and monitor the implementation of the decision of the Council by the concerned Departments of the State.
- (e) to co-ordinate with the concerned Departments of the State Government to ensure implementation of the directions issued from time to time by the Supreme Court Committee on Road Safety and furnish compliance report in a time bound manner;
- (f) to implement the directions and recommendations issued from time to time by the Central Government, State Government, Hon'ble courts or the World Health Organization regarding Road Safety;
- (g) 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;
- (h) to collect on a regular basis data on road accidents and analyze the data to identify areas / road stretched and categories of accident victims;
- (i) to direct the Government Departments, State Road Safety Council, District and City Road Safety Committee and other persons regarding road safety;
- (j) to implement the directions of the Supreme Court Committee on Road Safety;
- (k) to co-ordinate with the Road Safety Committee;
- (l) to co-ordinate the cases relating to principle of no fault;
- (m) to prescribe and enforce road safety standards and procedures;

- (n) to formulate schemes, projects and programmes relating to road safety;
- (o) to co-ordinate the work relating to road safety with all public or private institutions, NGOs, concerned agencies and departments;
- (p) to facilitate implementation of road safety programmes by various means or media;
- (q) to administer the Fund and ensure that the Fund is effectively utilized;
- (r) to take appropriate decisions for efficient administration and management of the Authority, and to formulate policies for the code of conduct, disciplinary actions, grievance redressal mechanism and all other required policies and guidelines for the day to day smooth working for the road safety;
- (s) to provide and arrange for training programmes and to organize conferences, seminars, workshops, celebration activities and all such other activities for the purpose of capacity augmentation of the manpower working in the field of road safety;
- (t) to publish and finance specific research in relevant fields and to publish relevant papers, reports, books, journals, periodicals and newsletters covering the activities of the Authority;
- (u) to enter into agreement with research agencies/institutes/universities engaged in the field of road safety at international/national level or like institutions in specialized areas pertaining to the activities of authority for exchange of professionals, study tours, training seminars and workshops, conducting joint projects, technical assistance in the field of road safety.
- (v) to co-operate or collaborate with other institutions having objects similar to the Authority;

- (w) to establish and maintain a library, provide reading, reference and research facilities and cater to the needs of students, practitioners and researchers particularly in the field of road safety;
- (x) to receive, manage and disburse the funds and maintain the accounts for the funds received;
- (y) to make regulations for conduct and management of the affairs of the Authority and to add, amend, vary or rescind them from time to time;
- (z) to sanction expenditure for the implementation of road safety schemes and programmes;
- (za) to sanction expenditure for road safety projects and for purchase and installation of equipments and devices connected with road safety;
- (zb) to sanction financial assistance to organizations and institutions working in the field of road safety;
- (zc) to sanction expenditure for the conduct of studies, projects and research on matters relating to road safety;
- (zd) to extend assistance to the victims of accidents;
- (ze) to sanction expenditure for trauma-care programmes or activities;
- (zf) to sanction administrative expenditure of the Authority;
- (zg) to sanction expenditure on matters connected with road safety measures;
- (zh) to oversee the implementation of all laws relating to road safety such as helmet, seat belt, etc.;
- (zi) to oversee the action to prevent the vehicles from being driven on the road without third party insurance;
- (zj) to discharge such other functions, as may be prescribed, having regard to the objects of this Act.

(2) The Authority shall be empowered to pass necessary orders to ensure the compliance of above mentioned function or functions.

**Meetings of
Authority.**

5. (1) The Authority shall meet at such time and place and shall follow such rules of procedure for transaction of business of the meeting as the Chairman may decide.
- (2) Every meeting of the Authority shall be presided over by the Chairman or in his absence, by the Vice-Chairman.
- (3) The quorum for a meeting of the Authority shall be five.
- (4) The meeting of the Authority may be held at least once in six months.
- (5) Every matter to be decided by the Authority shall be considered and disposed of at the meetings of the Authority in accordance with the decision of the majority of the members present. The Chairman or the presiding Vice-Chairman shall have the casting vote.
- (6) No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Authority.

**Officers and
employees of
Authority.**

6. The State Government shall, for the purpose of carrying into the effect the provisions of this Act, provide to the Authority, such number of officers and employees as may be necessary for the efficient performance of the functions of the Authority under this Act as expeditiously as possible and the terms and conditions of service of officers and employees shall be such as may be prescribed by the State Government.

**Salaries and
allowances.**

7. The salaries and allowances payable to the non-official members of the Authority and administrative expenses including the salaries and allowances payable to the officers and other employees shall be paid in the manner as may be prescribed by the State Government out of the grants made to the Authority under this Act:

Provided that the Authority shall be empowered to determine salaries and allowances as well as service conditions, eligibility conditions in case of contractual employees with the approval of the Government from time to time:

Provided further that the Authority shall follow employment recruitment procedure framed by it and approved by the State Government from time to time.

8. (1) There shall be an Executive Committee for the Authority consisting of the following members, namely:- **Executive Committee.**

- (a) the Secretary to the Government of Gujarat, Transport Department, who shall be the Chairman;
- (b) the Transport Commissioner, who shall be the Vice-Chairman;
- (c) the Commissioner of Health, Gujarat State;
- (d) the Commissioner of Primary Education, Gujarat State;
- (e) the Inspector General of Police (Traffic);
- (f) the Chief Engineer (Roads and Bridges);
- (g) the Chief Engineer (National Highways);
- (h) the Joint Commissioner of Traffic, Ahmedabad city;
- (i) the Deputy Municipal Commissioner, Ahmedabad Municipal Corporation;
- (j) the Regional Transport Officer, Ahmedabad;
- (k) the Joint Director, the Commissioner of Transport or, as the case may be, the Officer on Special Duty;
- (l) the Deputy Enforcement Officer, who shall be the Member-Secretary;
- (m) two experts from the field of road safety education and emergency care, as may be nominated by the Authority.

(2) Subject to such restrictions, conditions and limitations as may be imposed by the Authority, the Executive Committee shall exercise such

powers and discharge such functions of the Authority as may be delegated to it by the Authority.

(3) The Executive Committee shall be responsible for implementing the decisions of the Authority.

**Meetings of
Executive
Committee.**

9. (1) The Executive Committee shall meet at such time and such place as the Chairman of the Executive Committee may decide and shall observe such rules of procedure in relation to transaction of its business at the meetings, as may be made by the resolution.

(2) Every meeting of the Executive Committee shall be presided over by the Chairman or in his absence, by the Vice-Chairman.

(3) The Executive Committee may meet at least once in two months or sooner, as may be decided by the Chairman of the Executive Committee.

(4) The quorum for meeting of Executive Committee shall be five.

(5) Every matter to be decided by the Executive Committee shall be considered and disposed of at the meeting of the Executive Committee in accordance with the decision of the majority of the members present and voting. The Chairman shall have the casting vote.

(6) No act or proceedings of the Executive Committee shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Executive Committee.

**Establishment
of Fund.**

10. (1) As soon as may be after the constitution of the Authority, there shall be established a Fund to be called the "Gujarat Road Safety Fund".

(2) There shall be credited to the Fund, -

- (a) grants by way of share of compounding fees recovered for traffic violations under the Motor Vehicles Act, 1988 59 of 1988. or for violations under this Act;

- (b) any other grants as may be fixed by the State Government from time to time;
- (c) loans or advances made by the State Government;
- (d) grants, loans or advances made by the Government of India;
- (e) contributions from public or private institutions or organizations;
- (f) by auctioning of the confiscated vehicle.

11. (1) The Fund shall vest in and be administered by the Authority under this Act.

**Vesting and
Administration
of Fund.**

(2) The Authority shall administer the Fund vested in it in such manner, as may be determined by the Authority with the approval of the State Government from time to time.

(3) All moneys forming part of the Fund shall be deposited in any Nationalized Bank, as may be decided by the Authority and the account shall be operated by the Chief Enforcement Officer of the Authority in such manner, as the Authority may decide.

12. The Fund shall be utilized for all or any of the functions of the Authority mentioned in section 4.

**Utilisation of
Fund.**

13. (1) Notwithstanding anything contained in any other law for the time being in force, where the Enforcement Officer is satisfied, on a report by any person or otherwise, that-

**Removal
of causes
of
accidents.**

- (i) structure or materials including arches, banners, display boards, hoardings, tents, pandals, poles, platforms, statues, monuments or any other structures, on a public road;
- (ii) the condition of any parking area, tree, structure or building situated in the vicinity of a public road; or

- (iii) the entry or exit of any building or premise in the vicinity of a public road, is likely to cause an accident or causes an obstruction to the free flow of traffic or distract the attention or obstruct the vision of the driver of any vehicle,

the Enforcement officer may, after recording reasons thereof, direct the person concerned, either by a general or a special order, to take such measures as it considers necessary and such person shall be bound to comply with the direction within such time, as may be specified by the the Enforcement officer.

(2) Notwithstanding anything contained in sub-section (1), in case of urgency, the Chief Road Safety Commissioner or the Joint Road Safety Commissioner may take such action as may be necessary to prevent accident or obstruction, as the case may be, and recover the cost thereof from the person responsible, in such manner as may be prescribed.

**Power to
seize
vehicles.**

14. (1) Notwithstanding anything contained in any other law for the time being in force, where the Enforcement Officer or any officers of Police not below the rank of Assistant Inspector of Police or any officer of the Motor Vehicles Department not below the rank of Assistant Inspector of Motor Vehicles or any officer of the State Government authorized in this behalf is satisfied, on a report by any person, or otherwise, that the placement or positioning of any vehicle, on a public road or the movement of vehicles on a public road is likely to cause accident or cause obstruction to the free flow of traffic or distract the attention, or obstruct the vision of the driver of any vehicle or vehicle used without the third party insurance or carrying of goods in a manner dangerous to public or carrying overload goods in such a way to create or likely to create danger to public safety on road, he may –

- (i) seize the vehicle, in the prescribed manner and for this purpose take or cause to be taken such steps as he may consider proper for the temporary safe custody of the vehicle; or

- (ii) instead of seizing the vehicle, seize the certificate of registration of such vehicle and shall issue an acknowledgement in respect thereof.

(2) Where a motor vehicle has been seized under sub-section (1), the owner or person in-charge of the motor vehicle may apply to the officer as referred to in sub-section (1), alongwith the relevant documents and such fees as may be specified by the State Government by notification in *Official Gazette* for the release of such vehicle and such officer may, after verification of such documents, by making an order, release the vehicle subject to such conditions, as he may deem necessary to impose:

Provided that the different fees may be specified for different vehicles and different purposes.

(3) Notwithstanding anything contained in this section, if any vehicle seized under sub-section (1) shall lie with the authority for more than two months due to non-attempt of the releasing such vehicle or no one applies to release such vehicle, or, if any vehicle seized three times under sub-section (1), the officer as referred to in sub-section (1), may forfeit the vehicle in the name of the State Government after giving an opportunity of being heard to the owner or a person in possession or control of such vehicle.

(4) The vehicle so forfeited may be auctioned by the forfeiting officer as may be determined by the Authority.

(5) The income generated from the auction shall be deposited in the fund of the Authority.

15. (1) The Authority or the State Road Safety Committee or District or City Road Safety Committees may by order give direction to any officer of the Government department or public authority or local authority or any person of public, public or private institutions to act for the purpose of Road Safety.

Power to
order works
and give
directions.

(2) Notwithstanding anything contained in sub-section (1) or any other law for the time being in force, it shall be lawful for the Chief Road Safety Commissioner or the Joint Road Safety Commissioner to pass following orders or give direction to ensure Road Safety, namely:-

- (i) to fulfill any work or improvement on a public road, as it may consider necessary,
- (ii) to ensure implementation of all laws relating to Road Safety such as helmet, seat belt, etc.,
- (iii) to implement the decisions of the State Road Safety Council,
- (iv) to implement the direction given by the State Government under section 33:

Provided that no order under this sub-section shall be issued by any officer of the Government department or public authority or local authority or any person of public, public or private institutions without prior written notice and opportunity of being heard. If such officer of the Government department or public authority or local authority or any person of public, public or private institutions fails to respond or reply to the satisfaction of the Chief Road Safety Commissioner or Joint Road Safety Commissioner, a reasoned order shall be issued and same shall be binding on any officer of the Government department or public authority or local authority or any person of public, public or private institutions.

(3) Every officer of the Government department or public authority or local authority or any person of public, public or private institutions shall be bound to carry out such works or improvement or compliance of the orders or directions passed under sub-section (1) or (2) within such time, as may be specified by the Authority:

(4) It shall be the duty of any officer of the Government department or public authority or local authority or any person of public, public or private institutions to act in aid of the Authority in enforcing under sub-section (1) and sub-section (2).

(5) If any officer of the Government department or public authority or local authority or any person of public, public or private institutions to whom a written order is served under sub-section (2) refuses or fails to comply with the order within the time limit set out by the Authority, the Chief Road Safety Commissioner or the Joint Road Safety Commissioner may after giving opportunity of being heard impose a fine up to ₹ 1,00,000 (rupees one lakh only) in person or recommend the disciplinary action upon such officer or person under the service law applicable to him and may also take such action as to prevent danger and ensure safety to the public and may recover the cost thereof from such officer of the Government department or public authority or local authority or any person of public, public or private institutions:

Provided that the fine imposed shall be recoverable from the salary of such officer of the Government department or public authority or local authority or any person of public, public or private institutions and the drawing and disbursing officer of that officer shall be liable to deduct and deposit it in the account of the Authority.

16. Any amount due to the Authority or the Road Safety Commissioner or the Enforcement Officer under this Act shall, without prejudice to any other mode of recovery, be recoverable in the same manner as an arrear of public revenue due on land.

Amounts
recoverable
as arrears
of land
revenue.

17. Where the Authority or the Road Safety Commissioner or, as the case may be, the Enforcement Officer is of the opinion that any officer of the Government department or public authority or local authority or any person of public, public or private institutions refuses or fails to comply with any written order or direction of the Authority or Road Safety or Enforcement officer or any order passed under this Act

Penalty for
failure to
comply
order.

except under sub-section (2) of section 15, it shall impose a penalty by reasoned order of five hundred rupees each day till the compliance of the order or direction of the Road Safety Commissioner or the Enforcement officer, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that any officer of the Government department or public authority or local authority or any person of public, public or private institutions, as the case may be, shall be given a reasonable opportunity of being heard before any penalty imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on such officer of the Government department or public authority or local authority or any person of public, public or private institutions, as the case may be.

**Accounts
of Fund.**

18. The accounts of the Fund shall be maintained by the Accounts officer under the overall supervision and control of the Chief Enforcement Officer in such manner, as may be resolved from time to time by the Authority.

**Submission
of reports.**

19. Every District or City Road Safety Committee shall submit such reports and returns and furnish such information to the Authority, as may be required from time to time.

**Annual
report.**

20. (1) The Authority shall, during each financial year, prepare in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities in the previous year and submit such report to the State Government before such date as the State Government may by order specify.

(2) The Government shall cause every such report to be laid before the State Legislature, as soon as may be, after the receipt of the same.

21. (1) The accounts of the Authority shall be audited annually.

**Audit of
Accounts.**

(2) The Authority may also carry out internal audit including concurrent audit of the accounts every year by such officials or by the Chartered Accountant as it deems fit.

(3) The accounts of the Authority, as certified by the auditor, together with the audit report thereon shall be submitted to the State Government along with the remarks thereon by the Authority and the State Government shall cause the same to be laid before the State Legislature.

(4) The Authority shall take such corrective steps as may be ordered by the State Government in pursuance of the report.

22. The Authority may, with the previous approval of the State Government, delegate to the Executive Committee or the Road Safety Commissioner or the Chief Enforcement officer or the District or City Road Safety Committee or to any other officer of the authority or to any Gazetted officer of the Government by general or special order, subject to such restrictions as it deems fit, such of its powers and functions, as it may consider necessary, for the effective implementation of the road safety programmes. The District or City Road Safety Committee shall exercise such powers and perform such functions, as the Authority may delegate from time to time.

Delegation.

23. Notwithstanding anything contained in section 15 or section 17-

**Offences and
punishment.**

(1) whoever, including the public servant, refuses or fails to comply with any written order or direction of the Road Safety Commissioner or Enforcement Officer, or any other officer under section 22 shall be punishable with imprisonment for a term of three months or with fine which may extend to five thousand rupees or with both.

(2) in the case of a continuing offence, a fine of one thousand rupees shall be imposed for each day for which the offence continues.

(3) a Judicial Magistrate of First Class shall try an offence punishable under this Act.

Compounding
of offences.

24. Any offence punishable under this Act may either before or after the institution of prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Offences by
Companies.

25. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all the due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- for the purposes of this section-

(a) "Company" means anybody corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

Appeal. 26. (1) Any person aggrieved by an order passed by any officer of the Authority under this Act may, within sixty days of the date of that order, appeal to the Joint Road Safety Commissioner.

(2) Every appeal preferred under sub- section (1) shall be accompanied by fees of rupees five thousand.

(3) After the receipt of any appeal under sub-section (1), the Appellate Authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

27. The Chief Road Safety Commissioner may, *suo-motu* or on application made to it by the aggrieved person, call for the records of any case in which an order under section 13, 14, 15 or 26 has been passed by any subordinate officer of the Authority and if it appears to the Chief Road Safety Commissioner that the order is improper or illegal, he may pass such order as he deems fit.

Revision.

28. All the members and employees of the Authority while acting or purporting to act in pursuance of the provisions of this Act or the rules made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members,
officers and
employees
to be public
servants.

XLV of 1860.

29. No suit, prosecution or other legal proceedings shall lie against the Government or Authority or any officer of the Government or any member or other employees of the Authority for anything, which is done in good faith or intended to be done under this Act or the rules made thereunder.

Protection
of action
taken in
good faith.

30. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence submitted with the prior permission of the Authority or, as the case may be, the Executive Committee or the Chief Enforcement Officer.

Cognizance
of offences.

31. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act or the rules made thereunder required to be settled, decided or dealt with or to be determined by the State Government or the Authority or any officer authorized by the State Government or the Authority.

Bar of
jurisdiction
of civil
courts.

Act not in
derogation to
any law for the
time being in
force.

32. The provisions of this Act shall be in addition to, and not in derogation of any of the provisions of the Motor Vehicles Act, 1988 or 59 of 1988. any other law for the time being in force.

Power of
State
Government
to give
directions.

33. The State Government having regard to-

- (a) the desirability of effective enforcement of the provisions of this Act or any other law for the time being in force to control and regulate the road traffic,
- (b) the desirability to reduce vehicle density on public road,
- (c) the desirability of preventing the road accidents,
- (d) the desirability of preventing the deterioration on the road system,

may, from time to time, by notification in the *Official Gazette*, issue directions to the Authority,-

- (i) regarding control of the purchase of second vehicle,
- (ii) regarding prevention and regulation of the use of the vehicles more than age of 15 years and manner for the scrap thereof,
- (iii) regarding fixing time of the use or prohibiting use of the of the vehicle on the public road in the specific area or areas,
- (iv) regarding the appointment of any public or private agency after following due process by the Authority; for the purpose of road safety measure in specific area or areas, to remove traffic nuisance, detect traffic offence, accept composition fee, recover fine or penalties, recover cost of the damage caused by traffic nuisance, regularize any other measure related to road safety in the benefit of public at a large,

- (v) regarding fixing of service charge as may be levied by such agency.
- (vi) any other direction as the State Government may deem fit to give to ensure road safety:

Provided that the rate of compounding fees, penalties or fine shall be specified under the respective laws or rules made thereunder:

Provided further that compounding fees, penalties, fine or cost shall be deposited in the Government treasury by such agencies. However, such agencies may be entitled to retain service charge with itself.

Explanation.- For the purpose of clause (i), "second vehicle" means the second number of vehicle purchased by the person who owned one vehicle.

34. (1) The State Government may, subject to the condition of previous publication, for the period as the State Government may deem fit, make rules for carrying out the purposes of this Act. **Power to make rules.**

(2) In particular, and without prejudice to the generality of the foregoing provision, the State Government may make rules for all or any of the following matter, namely:-

- (a) functions to be performed by the Authority in addition to the functions provided in section 4;
- (b) the designation, method of appointment and other conditions of service of the officers and staff of the Authority;
- (c) the form and the time for preparation of annual report under section 20;
- (d) any other matter which is required to be, or may be, prescribed.

(3) The contravention of any of the provisions which are specified in such rule shall be punishable with fine, which may extend to one thousand rupees.

(4) All rules made under this section shall be published in the *Official Gazette*.

(5) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(6) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Power to
make
regulations.

35. The Authority may make regulations in respect of the procedure to be adopted by the Authority, the Executive Committee and officers of the Authority for meetings and disposal of matters coming up before the Authority or the Executive Committee or the officers, as the case may be.

Power to
remove
difficulties.

36. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as it appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

Repeal and
savings.

37. (1) The Gujarat Road Safety Authority Ordinance, 2017 is hereby repealed.

Guj. Ord. 2
of 2017.

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