

**PART-V****NOTIFICATION**

**NO.AS/LEG-22/BILL/NRSA-2/2024/3378**      **Dated Kohima, the 27<sup>th</sup> August, 2024.**

**The Nagaland Road Safety Authority (Second Amendment) Bill, 2024** together with the Statement of Objects and Reasons and the Financial Memorandum which was introduced in the Nagaland Legislative Assembly on Tuesday, the 27<sup>th</sup> August, 2024, is published for general information as required under Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

**Sd/-**  
**KHRUOHITUONUO RIO**  
Secretary-In-Charge  
Nagaland Legislative Assembly  
Secretariat: Kohima

**The Nagaland Road Safety Authority (Second Amendment) Bill, 2024**

Whereas, A Bill, further to amend the Nagaland Road Safety Authority Act, 2013 in the manner hereinafter appearing:

**BE** it enacted by the Nagaland State Legislative Assembly in the Seventy-fifth Year of the Republic of India as follows:-

**1. Short title, extent and commencement**

- (1) This Act may be called the Nagaland Road Safety Authority (Second Amendment) Act, 2024.
- (2) It shall extend to the whole State of Nagaland.
- (3) It shall come into force on such date as the State Government, by a notification in the Official Gazette, appoint.

**2. Amendment of section 2**

In section 2 of the Nagaland Road Safety Authority Act, 2013 (hereinafter called the principal Act), after clause (i) of sub-section (1), the following clause shall be inserted: namely,-

“(ia) “one-time tax ” means the tax paid for the Non- Transport Vehicle (Vehicle not use for hire or reward) for a period of 15 years on the basis of the cost of the vehicle under the Nagaland Motor Vehicles Taxation Act, 1967 (as amended from time to time).”

**3. Amendment of section 3**

In section 3 of the principal Act,-

- (i) in clause (n) of sub-section (3), for the word “Director”, the words “Principal Director” shall be substituted.
- (ii) after clause '(t) of sub-section (3), the following clause shall be inserted: namely,-  
“(u) The Engineer-in-Chief, Public Works Department.”

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<sup>1</sup>Clause (t) was inserted by the Nagaland Road Safety Authority (first amendment) Act, 2018.

**4. Amendment of section 5**

In section 5 of the principal Act,

- (i) for clause (g) of sub-section (1), the following clause shall be substituted: namely,-

“(g) Transport Commissioner - Member Secretary”.

- (ii) In sub-section (1), after clause <sup>1</sup>(i), the following clause shall be inserted namely:-

“(j) General Manager, Nagaland Highways Infrastructure Development Corporation Limited (NHIDCL), Branch Office, Dimapur”.

**5. Amendment of section 10**

In section 10 of the principal Act, for sub-section (1), the following sub-section shall be substituted namely; -

“(1) (a) There shall be levied and collected one time cess for the purposes of this Act on every Non- Transport Motor vehicle used or kept for use in the state at the rate of 5% of the “One-time tax” amount.

(b) There shall be levied and collected cess annually on the annual road tax plus the goods or passenger tax amount for the purposes of this Act on every Transport Motor vehicle used or kept for use in the State in accordance to the details displayed in the Table below:-

Table: Schedule of Road Safety Cess for Transport Vehicles.

| SL.NO. | CATEGORY  | RATE OF CESS                                      |
|--------|---|---|
| 01.    | Transport Goods   | 10% on the annual road tax plus the goods tax     |
| 02.    | Transport Passenger above 12 Seating capacity           | 5% on the annual road tax plus the passenger tax  |
| 03.    | Transport Passenger up to 12 Seating capacity           | 4% on the annual road tax plus the passengers tax |
| 04.    | Any other not included in Sl. No. 1 & 2 above including | 5% on Tax levied annually                         |

Provided that no such cess shall be levied on a motor vehicle kept by dealer or manufacturer of such vehicle for the purpose of trade;

Provided further that if the Government are of the opinion that it is necessary in the interest of the general public so to do, they may, by notification in the Gazette, make an exemption in regard to the cess payable under this Act in respect of any motor vehicle or class of motor vehicles.

<sup>1</sup>Clause (i) was inserted by the Nagaland Road Safety Authority (first amendment) Act, 2018.

**6. Amendment of section 12**

In section 12 of the principal Act,

- (i) in sub-section (2), after the words “as may be prescribed” and before the punctuation mark “.” (Full stop), the words “in section 12 and section 13 or as may be prescribed by the Authority”, shall be inserted.
- (ii) in sub-section (3), after the words “shall be deposited in the” and before the words “operated by the Chairman”, for the words “State Bank of India as may be decided by the Authority and the account shall be”, the words “Road Safety Fund Account under any Nationalized or State Co-operative Bank and the Account shall be jointly” shall be substituted.

**7. Amendment of section 19**

In Section 19 of the principal Act,

- (i) for sub-section (2), the following sub-section shall be substituted: namely, -

“(2) Every District Road Safety Committee shall consist of the following members: namely,-

- (a) The Deputy Commissioner (Ex- Officio) : Chairman
- (b) Commissioner of Police/Superintendent of Police : Member
- (c) Chief Medical Officer of H & FW (Ex-Officio) : Member
- (d) Executive Engineer (Roads & Bridges) : Member
- (e) Executive Engineer(National Highways) : Member
- (f) Representative of Regional Office (MoRTH) : Member
- (g) Project Director (NHAI) : Member
- (h) Administrator, Municipal / Town Committees : Member
- (i) At least one Civil Society Organization (CSO) or any Non-Government Organization (NGO) working on improving road safety in the State : Member
- (j) Regional/District Transport Officer : Member Secretary
- (k) Highway Administrator of State Highways & Major District Roads (MDRs) : Member

- (ii) after sub-section (2), the following sub-section shall be inserted: namely,-

“(2A) Functions of the District Road Safety Committees: -

- (a) Periodic review of road accidents in the district.
- (b) Monitor the implementation of State Road Safety policy and the targets set under it.

- (c) Implement directions of the SCCoRS, Government of India and the State Government as may be issued from time to time on matters of road safety.
- (d) Implementation of decisions of the Nagaland Road Safety Authority in the district.
- (e) Regular track and update State Road Safety Council on details of Road Crashes that took place in the district, which shall include:
  - i. Details of the vehicle.
  - ii. Cause of crash.
  - iii. Details of spot investigation, evidence, if any.
  - iv. Details of Offenders (if any).
  - v. Details of Victim/s and victims latest condition.
  - vi. Types of injury caused.
  - vii. FIR registered if any.
- (f) Publish road accident data on monthly basis on public domain on:
  - i. The district website portal (to be widely publicized)
  - ii. The MoRTH Portal. (<http://morth-roadsafety.nic.in/edisha/index.aspx>)
- (g) Develop a district road safety plan.
- (h) Ensure forensic crash investigation under Section 135 A of the Motor Vehicles Act for all mass fatality crashes in the district.
- (i) Ensure optimal placements of ambulances to help improve response time and handover time to hospitals.
- (j) Ensure adequate availability of different ambulance types as per historic caseload in the district.
- (k) Prepare an Emergency Medical Plan for mass fatality accidents in the district.
- (l) Ensure linkage between hospitals and ambulances through setting up a prior notification system. Ensure linkages between hospitals to find out the availability of beds in case of emergency.
- (m) Act as the nodal body for placing, requirement/s and disbursement of road safety funds and interact with Nagaland Road Safety Authority as and when required.
- (n) Provide regular inputs to the Nagaland Road Safety Authority/Lead Agency of State and recommend road safety measures especially with regard to identification of major accident prone areas/ Black spots etc. and also in parts regarding the important of 4Es, viz. Engineering, Education, Enforcement & Emergency.

- (o) Promote Good Samaritans to assist the road accidents victims.
- (p) Provide suggestion(s) to State Government as and when requested to formulate or amend:-
  - i. Rules under Section 107, Section 138, Section 176, Section 210D, Section 215D of the Motor Vehicles (Amendment) Act, 2019.
  - ii. Schemes under Section 135 of the Motor Vehicles (Amendment) Act, 2019.

#### **STATEMENT OF OBJECT & REASONS.**

The Nagaland Road Safety Authority Act was first introduced in the State in the year 2013 for constitution of a Road Safety Authority for dealing and advising the State Government in all matters of road safety policies, prescribe and enforce road safety standards, formulate programmes and schemes and establish Road Safety Fund. The Nagaland Road Safety Authority is also guided by the provisions of the Motor Vehicles Act, 1988 and the directives of the Supreme Court Committee on Road Safety and Advisories and Notifications issued by the Central Government from time to time.

The Ministry of Road Transport & Highways (MoRTH), in pursuance to Section 215 sub-section (3) of the Motor Vehicles (Amendment) Act, 2019, and with the objective to maintain uniform structure, composition and functions across the country has laid down revised guidelines for constitution of the District Road Safety Committee for each districts in the State. The Authority also felt the need for revising the Road Safety cess levied under the provisions of Section 10 of the Act after receiving complaints from certain sections of Transport operators and vehicle owners in the State

In order to comply with the revised guidelines on the composition and functions of the District Road Safety Committee, and to rationalise the cess amount, the Government proposes for amendment of the Nagaland Road Safety Act, 2013.

**Sd/-**  
**NEIPHIU RIO**  
Chief Minister  
&  
Minister-in-Charge

**FINANCIAL MEMORANDUM**

The proposed amendment of the Nagaland Road Safety Authority Act, does not require any financial implication from the consolidated fund of the State of Nagaland.

**Sd/-**  
**NEIPHIU RIO**  
Chief Minister  
&  
Minister-in-Charge