
(2017) 02 JH CK 0186
In the Jharkhand High Court
Case No : 4238 of 2015

Mohan Mahto

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 10-02-2017

Acts Referred:

Citation : (2017) 02 JH CK 0186

Hon'ble Judges : D.N. Patel, Ratnaker Bhengra

Bench : DIVISION BENCH

Advocate : Rajeev Kumar, Jai Prakash, Rishi Pallav

Judgement

1. As requested by Counsel for the petitioner, the prayers made in this petition at paragraph 1(d) is replaced by the amended prayer as mentioned in Paragraph 3.d of I.A. No. 4238 of 2015.

2. Thus, main prayers for which this writ petition has been argued out now reads as under: "1.(a) For the direction upon the respondents to save the people residents of Jamshedpur from traffic death traps as, there is no sufficient traffic arrangement in the area of Jamshedpur in the area of Jamshedpur or, no sufficient over the bridges built by the state govt. although, the city given maximum revenue to the state due to its industrial activities.

(b) For the direction upon the respondents especially respondent no.6 to clarify its own stand about its contribution through C.S.R. In the traffic improvement as due dilapidated condition of the traffic has caused loss of hundreds of persons.

(c) For the direction upon the respondents to explain before this Hon'ble Court as to whether the respondents have ever created any constructive plan in the form of construction of fly over for smooth movement of traffic to check the death of citizens in the accident in Jamshedpur area.

(d) For the direction to implement National Road Safety Policy, which was approved by the Cabinet in its meeting held on 15.03.10 and talked about major

initiatives such as, to promote awareness about road safety issues, to ensure safer road infrastructure by way of designing safer road, encouraging application of Intelligent Transport System etc., to ensure fitment of safety features at the stage of designing manufacture, usage, operation and maintenance, to strengthen the system of driving licensing and training to improve the competence of drivers, to take measures to ensure safety of vulnerable road users, to take appropriate measures for enforcement of safety laws, to ensure medical attention for road accident victims, to encourage human resource development and R & D for road safety & to strengthen the enabling legal, institutional and financial environment for promoting road safety culture in state of Jharkhand, especially upon the National Highways running in this State."

3. Having heard counsel appearing for both sides and looking to the facts and circumstances of the case, it appears that this petition has been preferred seeking direction to be given to the respondent State authorities to implement in true spirit and letter the National Road Safety policy which has been drafted by the Central Government

4. It appears from the counter affidavit filed by the respondent State that sufficient steps have been taken by the respondent State authorities to reduce and minimize traffic congestion in the city of Jamshedpur and better implementation of road safety.

5. It is also submitted by the Additional Advocate General that wherever it is necessary, all sorts of road safety measures has been taken and this has considerably reduced the incidents of traffic accident. It also appears from the counter affidavit filed by the State of Jharkhand that State of Jharkhand has formulated Jharkhand Road Safety Policy, which is in consonance with the National Road Safety Policy.

6. It further appears from the counter affidavit filed by the State of Jharkhand that two trauma centers have also been established, one at Baharagora in East Singhbhum and the second in Nagar Utari, District Garhwa. Moreover, third trauma center is also on the way of completion and the same will be operational very soon in the district of Hazaribagh.

7. It also appears from the facts of the case that more trauma centers are also going to be opened by the State of Jharkhand at Medini Nagar, District Palamau and other districts like Deoghar, Simdega, Giridih, Koderma, Dhanbad, Dumka, Bokaro. Thus, it appears that a good number of trauma centers are going to be opened by the respondent State. Few of them have already been started as stated hereinabove.

8. It also appears from the counter affidavit filed by the respondent State that more than 239 ambulances have been purchased in 24 districts and made operative in the State of Jharkhand.

9. It further appears that in compliance of the guidelines of the committee

constituted by the Hon''ble Supreme Court on Road Safety (Supreme Court Committee on Road Safety) following steps have been taken. Comprehensive Compliance Report on Directions given by Ministry of Road Transport and Highways (Road Safety Cell) on 29-08-2016

Sl. Directions Compliance

I. Formulate/adopting a Road Safety Policy Jharkhand State Road Safety Policy 2016 formulated by resolution no 460 dated 18032016

II. Action Plan for reducing road crash fatalities and injuries Road Safety issue being a multifaceted and multidimensional phenomenon requiring coordinated approach to deal with and to implement the present action plan to bring significant reduction in road accident. Action plan in the light of Road Safety Policy is prepared. Meeting of District Road Safety Committee has been conducted under the Chairmanship of Deputy Commissioner in July 2016. Thereafter meeing

III Activate State Road Safety Council and hold its meetings at least twice in a year. A State level Road Safety Council has been formed under the Chairmanship of the Chief Secretary, Jharkhand vide notification no. 1435 dated 31122015. A district level Road Safety Committee has been also formed in all district of Jharkhand. Meeting of District Road Safety Committee has been conducted under the Chairmanship of Deputy Commissioner in July 2016. Thereafter meeing

IV Established a Lead Agency in the State with adequate dedicated and professional staff to deal exclusively with road safety issues Lead Agency has been constituted

V Establish Road Safety Fund by making available a portion of the fines collected from traffic offences to the fund and also makes adequate provisions in the budget for meeting expenses on road safety. Road Safety Fund of Rs.10,00,00,000(Ten Crore) has been allocated in the state budget of financial year 201617. Out of this fund Rs.5,42,43, 200 (five crore forty two lakhs forty three thousand two hundred) has been allotted to Home Department for purchase of necessary equipments such as Alcohol Meter, Speed Camera vehicles and Tab/equipments etc. for enforcement of traffic rules for road safety

VI Implement directions of the Hon''ble Court on road engineering as contained in its judgment dated 22nd April, 2014 Directions are being followed. Black spots are identified and eliminated in phased manner

VII Rectify immediately all black spots identified since, 2011 Black spots are identified and eliminated in phased manner

VIII Draw up a protocol and an Annual Calendar for identifying black spots and their removal and further monitoring to see the effectiveness of the action taken. All Divisional Officers have been instructed to identify black spots in coordination of district police and plan for removal of such black spot every year.

IX Carry out road safety audits during design, construction and operation of roads and implement recommendation of the Audit. Road Safety audit is being implemented in a phased manner. In first phase it has been done in PPP/EPC Projects.

X Undertake construction of road beyond Rs.10.00 crore only after Design Audit is completed and its recommendation implemented. Instruction regarding implementation of design audit has been given to PWD Road Department.

XI Adopt traffic calming techniques at locations where accident are occurring due to over speeding. Traffic calming techniques such as extra widening of curves, rumble strips etc. are provided at locations where accidents occur due to over speeding.

XII Suspend driving license for not less than 3 months under Section 19 of MV Act & Rule 21 of CMVR for over speeding, red light jumping, use of mobile phone while driving and overloading A proposal for CCTV monitoring and intelligent Traffic Management System has been submitted to the Government. After procedural clearance, this project will be operational by 30th June, 2017 in Ranchi District. Thus, by 31st December 2017 this digital management system will become finally operational in Jamshedpur, Deoghar, Bokaro and Dhanbad also which will integrate Traffic Police and DTOs.

XIII Make use of helmet compulsory both for main and pillion riders. Use of helmet as both for main and pillion rider has been made compulsory in the State of Jharkhand

XIV Tighten procedure for issue of permanent driving licenses. Commence action in a time bound manner for establishing sensor based computerized driving tracks to eliminates human intervention for issue of permanent driving licenses. To encourage infrastructure development for driver training Government of Jharkhand has signed a M.O.U. with Tata Motors Limited to establish Institute of Driving Training & Research (I.D.T.R.) at Jamshedpur, Jharkhand Process of agreement with NSDC for establishment of RDT institute in Dhanbad, SaraikelaKharsawan and Godda, is under process.

Likewise, a detailed action plan has also been formulated, which is at Annexure "A" Series to the counter affidavit dated 4th October, 2016 filed by the Transport department, which includes the constitution of a State Level Road Safety Council under the Chairmanship of the Chief Secretary of the State of Jharkhand, allocation of the road safety fund to the tune of Rs. 10 Crores, setting up of a system for monitoring of accidents through Close Circuit Television Monitoring, setting up of an agency to conduct accident investigation.

10. In view of the aforesaid steps already taken by the respondent State Authorities and in view of the separate policy drafted by the State of Jharkhand as stated herein above and many more as stated in the counter affidavit filed by the State, we see no reason to give further directions in this public interest

litigation as suffice it will be, if all these decisions taken by the respondent State of Jharkhand for the safety of public at large with respect to the National Highways and State Highways, come to the operational stage.

11. It is suggested by the counsel for the petitioner that the stretch of road from Ormanjhi to Barhi is another accident prone zone and there is no trauma Center in between these two places.

12. We, therefore, request the respondent State Authorities to look into this issue of setting up of one more trauma Center in the Ormanjhi-Barhi area, which is narrated as an accident prone Zone. The State will appreciate the number of accidents which has taken place in the last two years in this area.

13. Taking into consideration the work already done and looking to the further steps to be taken by the respondent State of Jharkhand as per its own policy, we see no reason to give any further directions, with respect to the implementation of road safety policy, in this case. Hence, this writ petition is, hereby, disposed of.

14. I.A. No. 4238 of 2015 stands disposed of.