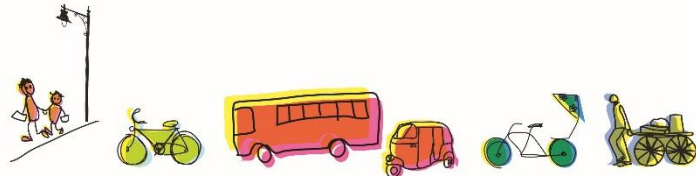


SUM NET India

Sustainable Urban Mobility Network



Date: 5 June 2017 **WORLD ENVIRONMENT DAY**

To,
Shri Jairam Ramesh, Hon'ble Member of Parliament

Motor Vehicles (Amendment) Bill, 2017 – Clause 48: Section 138(1A) – restriction on pedestrians and non-motorised transport in cities

Dear Shri Ramesh,

We are extremely disappointed with the inclusion and passing of section 138(1A) in the Motor Vehicle (Amendment) Bill 2017 which reads as follows;

Clause 48: "The State Government may, in the interest of road safety, make rules for the purposes of regulating the activities **and access** of non-mechanically propelled vehicles and pedestrians to public places and national highways"

This is especially unfortunate after having received a positive response from Shri Nitin Gadkari¹ to our letter (attached) and the ensuing online campaign against the following recommendation made by the Parliamentary Standing Committee on Transport, Tourism and Culture (Report 243, Para 183) submitted to the Parliament on 8th February,

*"The Committee observes that the insertion of new sub-section 1(A) under Section 138 is very important step towards streamlining **the uncontrolled non-motorized vehicles and pedestrians**. It is a fact that pedestrians are the most vulnerable section among the road users and more often the victims do not have any insurance cover for him/her. **The Committee also stresses that the nonmotorized vehicles do not follow road rules and create a lot of nuisance. They are traffic hazard for others also.** The Committee recommends that for smooth traffic, there is a need of streamlining non-motorized vehicles by introducing minor penalty/punishment. Here the punishment may be prescribed as corrective measures like giving training on traffic rules and not as penalty in monetary term. **The Committee recommends that the non-motorized vehicles should not be allowed on National Highways and main roads of metro cities.**"*

The passing of the act with section 138(1A) vests the State Governments with arbitrary powers over the mobility choice and right of pedestrians and cyclists. As a network, we are still hopeful as the bill is yet to be passed in the Rajya Sabha, and expect that discerning Rajya Sabha members will take up this issue and oppose it strongly. We strongly believe that the rights of pedestrians and cyclists and their role in sustainable transportation will be killed with this section being a part of the said act. In many States and cities, the Police and State Authorities have already attempted to ban cycles and cycle-rickshaws, not only severely impacting the urban poor but also removing from the streets the most environmentally friendly modes of transport.

In accordance with our consistent stand on the issue, we would also like to take this opportunity to

¹ <http://www.newindianexpress.com/nation/2017/mar/31/no-move-to-ban-cycles-on-roads-says-gadkari-1588186.html>

recommend that the proposed Section 138(1A) should be entirely deleted and instead the **Government should consider enacting a completely independent Non-Motorized Vehicles Act.**

Regards,

SUM Net members

1. Sujit Patwardhan, Parisar, Pune
2. Vidyaydhar Date, Mumbai
3. Vishwanath Azad, Samuel Hahnemann Associates & Research Centre, Ranchi
4. C Ramchandraiah, Centre for Economic and Social Studies, Hyderabad
5. Sanskriti Menon, Centre for Environment Education, Pune
6. Satyarupa Shekhar, Citizen consumer and civic Action Group, Chennai
7. Ram Wangkheirakpam, Manipur Cycle Club, Imphal
8. Mahendra Yadav, National Alliance of Peoples Movements, Patna
9. Rajendra Ravi, Institute for Democratic Studies, New Delhi
10. Ashok Dubey, Roopankan, Indore
11. Leo Saldanha, Environment Support Group, Bangalore
12. Rishi Aggarwal, Mumbai
13. Om Sharma, Happy Hikers Club, Shimla
14. Virendra Vidrohi, Matsya-Mewat Shiksha Evam Vikas Sansthan, Alwar
15. Vinay Sreenivasa, Alternative Law Forum, Bangalore
16. Ashok Datar, Mumbai Environmental Social Network, Mumbai
17. Jammu Anand, Nagpur Municipal Corporation Employees Union, Nagpur
18. Vilas Bhongade, Vidarbha Molkarin Sanghatna, Nagpur

Address for correspondence:

Parisar,

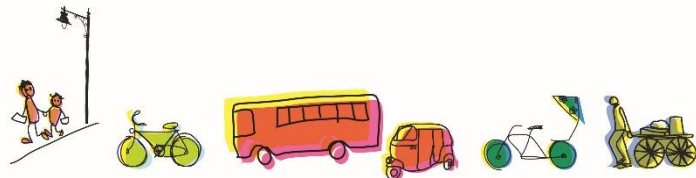
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Contact number: 020 25529122, +91 8805027186

Email – ranjit@parisar.org



Date: 6th March 2017

To,
Member of Parliament

Subject: Motor Vehicles (Amendment) Bill, 2017 – Recommendation for restrictions on pedestrians and non-motorized vehicles (cycles and cycle-rikshaws etc.)

Dear Sir,

We have perused the report of the Parliamentary Standing Committee on Transport, Tourism and Culture (Report 243) on the Motor Vehicles (Amendment) Bill, 2016 submitted to the Parliament on 8th February and note the following under (**Para 183**);

*“The Committee observes that the insertion of new sub-section 1(A) under Section 138 is very important step towards streamlining **the uncontrolled non-motorized vehicles and pedestrians**. It is a fact that pedestrians are the most vulnerable section among the road users and more often the victims do not have any insurance cover for him/her. **The Committee also stresses that the nonmotorized vehicles do not follow road rules and create a lot of nuisance. They are traffic hazard for others also.** The Committee recommends that for smooth traffic, there is a need of streamlining non-motorized vehicles by introducing minor penalty/punishment. Here the punishment may be prescribed as corrective measures like giving training on traffic rules and not as penalty in monetary term. **The Committee recommends that the non-motorized vehicles should not be allowed on National Highways and main roads of metro cities.**”*

We believe that this recommendation and the derisive language used to characterize pedestrians and non-motorized vehicles is utterly objectionable and against not only the stated policies and programs of the Government of India, but also anti-people, anti-poor and highly discriminatory. Further this recommendation, purportedly to promote road safety, has no scientific basis whatsoever.

The National Urban Transport Policy, 2006 very emphatically promotes the use of non-motorized transport and notes that these modes, primarily used by the urban poor are getting squeezed out and recommends “*reserving lanes and corridors exclusively for public transport and non-motorized modes of travel*” and provides detailed prescriptions in para 28 of the Policy.

Similarly, the **Smart City Mission Statement & Guidelines, 2015** mentions “*encouragement to non-motorized transport (e.g. walking and cycling)*” as an essential feature of a Smart City Proposal (SCP). **AMRUT Guidelines** similarly encourage non-motorized transport.

Addressing the safety of pedestrians and non-motorized vehicles by proposing ways to protect these modes through measures such as providing safe and segregated pathways, reducing the speeds of motorized vehicles in urban areas, creating vehicle-free areas, stricter enforcement of traffic laws for motorized vehicles and increasing respect for the right of way of pedestrians and cyclists is the need of the hour. In fact, **unregulated, free parking and parking of motor vehicles on cycle tracks and footpaths in cities** is one of the prime contributors to the hazards faced by these modes. The use of cycles and cycle-rikshaws in urban areas as last mile connectivity to public transport and as a low-carbon mode must indeed be aggressively promoted.

Banning these modes on highways and main roads of metro (or any city) for that matter, is retrograde and outmoded thinking and must be summarily rejected. Furthermore, this recommendation of the Committee infringes on the autonomy of the city/state governments to formulate their own urban transport policies and aggressively promote NMT.

We would like to register our strongest objection to this recommendation by the Committee and urge you to ensure that this – or any variant of this recommendation, finds no mention in the Motor Vehicles (Amendment) Bill 2017.

We would also like to take this opportunity to recommend that the proposed Section 138(1A) should be entirely deleted and instead the **Government should consider enacting a completely independent Non-Motorized Vehicles Act.**

Regards,

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20. Vidyaydhar Date, Mumbai
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35. Jammu Anand, Nagpur Municipal Corporation Employees Union, Nagpur
36. Vilas Bhongade, Vidarbha Molkarin Sanghatna, Nagpur

cc:

1. Shri Mukul Roy, Chairman, Parliamentary Standing Committee on Transport, Tourism and Culture
2. Shri Venkaiah Naidu, Ministry of Urban Development

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