

# Road Safety And Motor Vehicles (Amendment) Bill 2019

## [UPSC Notes for GS II]

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#### Importance of Road Safety

Road transport is essential for development as it provides mobility to people and goods. However, it also exposes people to the risk of road accidents, injuries and fatalities. Exposure to adverse traffic environment is high in India because of the unprecedented rate of motorization and growing urbanization fueled by high rate of economic growth.

As a result, incidents of road accidents, traffic injuries and fatalities have remained unacceptably high in India, which can be highlighted from below arguments:

- Currently, road traffic injuries are one of the main reasons behind disabilities, death and hospitalization in the country. Road traffic injuries constitute the 8th leading causes of death in India in 2016 (IMHE; <http://healthdata.org/india>), and are the leading cause of health loss among young men of age 15- 49 years.
- India loses 3% of its GDP due to road accidents, most of which were preventable.
- Considering road safety as a serious concern, in 2015, India signed the Brasilia Declaration and committed to reducing road accidents and fatalities by half by 2020. So far, the decrease in road accidents has not been substantial.
- Road accident victims largely constitute young people in the productive age groups underscoring major implication on economic cost of road accidents, apart from their emotional and psychological impact. Young adults in the age group of 18 - 45 years accounted for the highest share of 72.1% and working age group, 18 – 60 accounted for a share of 87.2% in the total road accident fatalities.
- Road accidents tend to be concentrated in urban areas because of dense population and road traffic congestion.
- As per World Road Statistics 2017 published by International Road Federation, Geneva, road accident fatality risk, i.e., fatality per 1,00,000 population and injury risk, i.e., road accident injury per 1,00,000 population is higher in India (around 11 per lakh) , second to Russian federation (16 per lakh) among 22 countries.

#### CAUSES OF ROAD ACCIDENTS

Road accidents are multi-causal and are the result of interplay of various factors which can broadly be categorized into:

- Human errors:
  - Over speeding and driving on the wrong side together accounted for 76.7% of total accidents and 73.1% of total deaths.
  - Violation of other rules, viz., drunken driving, red light jumping and use of mobile phones
  - Violation of any traffic rule constitutes human error or driver's fault. But from the perspective of road safety strategy, violations such as speeding and driving on the wrong side does not constitute human error alone, but also possible fault in road design. The approach opens up the scope for road engineering measures to address problems which are, prima facie, considered to be human error and enforcement issues.
- Road condition/environment:

- Data on road accidents by road environment shows that major portion (50.5%) of accidents took place on roads in open area. Similarly, data on road accidents by road features reveals that 64.2 % of accidents during 2017 occurred on straight roads. Vehicle speed tends to be high on straight road in open areas which corroborates the high percentage share of over speeding in traffic violations associated with road accidents in 2017.
- Vehicular condition:
  - Old vehicles are prone to breakdowns and lack functioning safety features.
  - Tyre bursts on highways have been resulted in several incidences of road accident on high speed expressways.
  - Also no safety measures such as airbags, use of helmet also contributed to higher rates of fatalities.

## ROAD SAFETY INITIATIVES BY THE GOVERNMENT OF INDIA

- **National Transportation Policy:**

The Policy will: (i) establish a planning framework for road transport, (ii) develop a framework for grant of permits, and (iii) specify priorities for the transport system, among other things.

- **Constitution of National Road Safety Council (NRSC)/ State Road Safety Councils and District Committees:** The Government has constituted the National Road Safety Council as the apex body to take policy decisions in matters of road safety in pursuance of Section 215 of Motor Vehicle Act 1988.
  - The GOI has requested all States/UTs for setting up of State Road Safety Council and District Road Safety Committees, and to conduct their meetings, on a regular basis.
- Multipronged strategy based on the 4 'E's: The GOI has formulated a multipronged strategy to address the issue of road safety based on the 4 'E's viz. Education, Engineering (both roads and vehicles), Enforcement and Emergency Care.
- Road safety has been included as an integral part of road design at planning stage.
- Road Safety Audit of selected stretches of National Highways has been taken up.
- High priority has been given to identify and rectify black spots (accident prone spots) on national highways.
- Vehicular Safety Standards and IT Enabled Safety Measures : The Government is taking steps to ensure that safety features are built in at the stage of design, manufacture, usage, operation and maintenance of both motorized and non motorized vehicles in line with international standards
- Tightening of safety standards for vehicles like seat belts, anti-lock braking system, child restraint, Bus Body Code, Ambulance Code, etc.
- To check the fitness of in use vehicle, the GOI is implementing a scheme for setting up of Inspection and Certification (I & C) Centre.

## POST-CRASH RESPONSE AND TRAUMA CARE:

- To protect Good Samaritans from harassment on the actions being taken by them to save the life of the road accident victims, the Ministry of Road Transport & Highways have issued guidelines vide Notification dated 12th May, 2015 to be followed by hospitals, police and all other authorities for the protection of Good Samaritan.
- Further, the Ministry has also issued Standard Operating Procedure (SOP) for the examination of Good Samaritans by the Police or during trial. Both the guidelines have been mandated by Hon'ble Supreme Court of India.

- Now people need not hesitate to help the road accident victims to reach the nearest hospital, in case they come across one.
- Road safety activities have also been included in Schedule (vii) of the Companies Act, 2013. The Companies will now be able to undertake road safety related activities under CSR.
- Raise Awareness about Road Safety Issues
- HRD & Research for Road Safety.
- Motor Vehicles (Amendment) Bill 2019

The Bill seeks to amend the Motor Vehicles Act, 1988 to provide for road safety. The Act provides for grant of licenses and permits related to motor vehicles, standards for motor vehicles, and penalties for violation of these provisions.

The amendments will improve road safety, facilitate citizens in their dealings with transport departments, strengthen rural transport, public transport and last mile connectivity through automation, computerization and online services.

**Some of the important areas of amendment are as follows:**

- **Road Safety:**

- In the area of road safety, the Bill proposes to increase penalties to act as a deterrent against traffic violations.
- Stricter provisions are being proposed in respect of offences like juvenile driving, drunken driving, driving without a licence, dangerous driving, over-speeding, overloading etc.
- Penalty regarding motor vehicles is to be increased by 10 % every year

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- **Vehicle Fitness:**

- The Bill mandates automated fitness testing for vehicles. This would reduce corruption in the transport department while improving the road worthiness of the vehicle.
- Penalty has been provided for deliberate violation of safety/environmental regulations as well as body part builders and spare part suppliers.
- The process for testing and certification for automobiles is proposed to be regulated more effectively. The testing agencies issuing automobile approvals have been brought under the ambit of the Act and standards will be set for motor vehicle testing institutes.
- The Bill also provides for compulsory recall of defective vehicles and power to examine irregularities of vehicle companies.

- **Recall of Vehicles**

- The Bill allows the central government to order for recall of motor vehicles if a defect in the vehicle

may cause damage to the environment, or the driver, or other road users.

- The manufacturer of the recalled vehicle will be required to: (i) reimburse the buyers for the full cost of the vehicle, or (ii) replace the defective vehicle with another vehicle with similar or better specifications.
- Road Safety Board

The Bill provides for a National Road Safety Board, to be created by the central government through a notification. The Board will advise the central and state governments on all aspects of road safety and traffic management including standards of motor vehicles, registration and licensing of vehicles, standards for road safety, and promotion of new vehicle technology.

- **Protection of Good Samaritan**

To help road accident victims, Good Samaritan guidelines have been incorporated in the Bill. The Bill defines a Good Samaritan as a person who renders emergency medical or non-medical assistance to a victim at the scene of an accident, and provides rules to prevent harassment of such a person.

- **Cashless Treatment during Golden Hour**

The Bill provides for a scheme for cashless treatment of road accident victims during the golden hour.

- **Motor Vehicle Accident Fund**

- The Bill requires the central government to constitute a Motor Vehicle Accident Fund, to provide compulsory insurance cover to all road users in India.
- It will be utilised for: treatment of persons injured in road accidents as per the golden hour scheme, compensation to representatives of a person who died in a hit and run accident, compensation to a person grievously hurt in a hit and run accident, and compensation to any other persons as prescribed by the central government.
- This Fund will be credited through: payment of a nature notified by the central government, a grant or loan made by the central government, balance of the Solatium Fund (existing fund under the Act to provide compensation for hit and run accidents), or any other source as prescribed the central government.
- Improving Services using e-Governance:

- Provision for online driving licenses. to avoid fake D.L.
- The Bill will bring transparency in RTO offices.
- Process of Vehicle Registration
- To improve the registration process for new vehicles, registration at the end of the dealer is being enabled and restrictions have been imposed on temporary registration.
- The Minister has however said that state transport departments can inspect the vehicles at dealers end.
- To bring harmony of the registration and licensing process, it is proposed to create National Register for Driving Licence and National Register for Vehicle registration through “Vahan” & “Sarathi” platforms. This will facilitate uniformity of the process across the country.
- Taxi aggregators:
  - The Bill defines aggregators as digital intermediaries or market places which can be used by passengers to connect with a driver for transportation purposes (taxi services). The Bill provides guidelines for Aggregators.
  - At present there are no rules in many states for regulating aggregators, taxis etc. These aggregators will be issued licenses by state Further, they must comply with the Information Technology Act, 2000.

Along with the above mentioned provisions some states also have raised concerns about their powers being curtailed in the Motor Vehicle (Amendment) Bill. Despite concerns, certainly the bill is a welcome step towards providing an efficient, safe and corruption free transport system in the country.