

# Motor Vehicles (Amendment) Bill, 2019

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Source: *The Hindu*

## Manifest pedagogy

The government has been effectively working on 4Es of accidents viz; Engineering (black spots), Education, Enforcement and emergency care. The motor Vehicle bill and other aspects are key to reduce accidents and give a fillip to road safety in India

## **In news**

- Loksabha has passed Motor vehicles (amendment) bill, 2019

## **Placing it in syllabus**

- Infrastructure- Highways

## **Static dimensions**

- Road safety in India
- Vaahan and Sarathi
- Motor Vehicles Act, 1988

## **Current dimensions**

- Motor vehicles amendment bill, 2019
- Impact

## **Content**

The Lok Sabha has approved the Motor Vehicles (Amendment) Bill, 2019 which seeks to impose strict penalties on violation of traffic rules and address the dire state of road safety in the country. The bill, which proposes to amend the Motor

Vehicles Act, 1988, needs the approval of Rajya Sabha. The same Bill had earlier been passed by the Lok Sabha in the April of 2017. However, it could not get clearance from the Rajya Sabha and lapsed with the dissolution of the 16th Lok Sabha

### **Road safety in India:**

Road traffic injuries are recognized, globally, as a major public health problem, for being one of the leading causes of deaths, disabilities and hospitalization, imposing huge socio-economic costs. The Global status report on road safety 2013 estimates that more than 231000 people are killed in road traffic crashes in India every year. A heterogeneous traffic mix that includes high-speed vehicles sharing the road space with vulnerable road users as well as unsafe road infrastructure and vehicles that are in poor condition all contribute to the high fatality rates seen on India's roads

According to the Ministry of Road Transport and Highways (MoRTH), (2016 data)

- As compared to 2015, the numbers of road accidents and injured victims have declined in 2016 by 4.1 per cent and 1.1 per cent respectively.
- The number of fatal accidents, i.e., accident in which at least one victim dies, has increased consistently since 2005.
- The number of road accidents relative to population, registered vehicles and road length are on a general declining trend from 2010, but the number of persons killed per lakh population has climbed up in the recent years.
- The National Highways constitute about 2 per cent of the total road network of India, but they accounted for 29.6 per cent of total road accidents.
- The State Highways accounted for 25.3 per cent of total accidents.

- About 37 per cent of total accidents took place in traffic junctions due to inefficient traffic control mechanisms.
- Among the vehicle categories, two wheelers accounted for the highest share in total number of road accidents , followed by cars, jeeps and taxis.
- Road users on two-wheelers are the most vulnerable constituting 34.8 per cent of total persons killed in 2016.
- Intake of alcohol/drugs by drivers, the act of talking on mobile phones while driving have become main causes of road accidents.
- Tamil Nadu topped the number of road accidents in the entire country followed by Madhya Pradesh and Karnataka.
- In case of road accident deaths, Uttar Pradesh topped the list followed by Tamil Nadu and Maharashtra

### **India road safety project**

India is one of the countries included in the Bloomberg Philanthropies Global Road Safety Programme which was being conducted over five years (2010-2014) by a consortium of international partners together with national governments and local organizations.

The overall goal of this programme in India is to support the Government of India to implement good practices in road safety in line with the national road safety strategy. The focus of the project is on promoting motorcycle helmets and reducing drink-driving.

The project is being implemented in:

- Hyderabad
- Cyberabad
- Visakhapatnam

In the context of the project in India, World Health Organisation (WHO) assesses legislation and advises on

possible improvements, develops social marketing campaigns and measures their impact, hosts workshops for journalists, and provides road safety equipment to local implementers.

### **Motor Vehicles Act, 1988:**

- The Motor Vehicles Act, 1988 is an Act of the Parliament of India which regulates all aspects of road transport vehicles.
- The Act came into force from 1 July 1989.
- It replaced Motor Vehicles Act, 1939 which earlier replaced the first such enactment Motor Vehicles Act, 1914.
- The Act provides in detail the legislative provisions regarding licensing of drivers/conductors, registration of motor vehicles, control of motor vehicles through permits, special provisions relating to state transport undertakings, traffic regulation, insurance, liability, offences and penalties, etc.
- Implementation of provisions of Motor Vehicles Act, 1988 (MV Act) and Central Motor Vehicles Rules, 1989 (CMVRs) **comes under the purview of State Governments.**

### **Vaahan and Sarathi:**

- The MoRTH has introduced online based citizen centric application **VAHAN 4.0 and SARATHI 4.0** under digitization to ease out the processes and curb corruption.
- 85 Road Transport offices( RTOs) under VAHAN and 235 RTOs under SARATHI have been brought to the centralised platform.
- Vahan contains about 21.68 crore vehicle records in its repository and it allows access to all details related to vehicles such as registration number, chassis/engine number, body/fuel type, colour, manufacturer and model and provides various online services to citizens.
- With Vahan, multiple visits to the RT0, extensive paperwork, queues, middlemen and bribes, will be

eliminated.

- Vahan helps carry out most of the RT0 related transactions including payments in online which makes the process transparent.
- The need for 'No objection certificate' for transfers will be eliminated since all RT0s will have access to the centralised data.
- Driving Licence and related data are automated through a separate application called 'Sarathi'.
- MoRTH seeks to modify current format of driving licenses to laminated card without chip or smart card type driving licences and the desired changes to Pan India Licence format will be implemented through SARATHI.
- The application is developed by NIC (National Informatics Centre).
- SARATHI has a unique feature to identify duplicate records in real time online basis and can also access information about challans if any, which then facilitates licencing authority to make sure that offender drivers do not get a duplicate driving licence.
- Sarathi helps in centralisation of data through the creation of the State and National Registries.
- It also helps address the needs of RT0s, police and motor insurers.
- It has been customised to suit the varied requirements of all States and Union Territories.

#### **Motor vehicles amendment bill, 2019:**

- The central government will develop a scheme for cashless treatment of road accident victims during golden hour. The Bill defines golden hour as the time period of up to one hour following a traumatic injury, during which the likelihood of preventing death through prompt medical care is the highest.
- The central government may also make a scheme for providing interim relief to claimants seeking

compensation under third party insurance.

- The Bill increases the minimum compensation for hit and run cases as follows: (i) in case of death, from Rs 25,000 to two lakh rupees, and (ii) in case of grievous injury, from Rs 12,500 to Rs 50,000.
- The Bill requires the central government to constitute a Motor Vehicle Accident Fund, to provide compulsory insurance cover to all road users in India.
- 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. Such a person will not be liable for any civil or criminal action for any injury to or death of an accident victim, caused due to their negligence in providing assistance to the victim.
- 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.
- The central government may develop a National Transportation Policy, in consultation with state governments to establish a planning framework for road transport.
- A National Road Safety Board, to be created by the central government through a notification which will advise the central and state governments on all aspects of road safety and traffic management.
- The Bill increases penalties for several offences under the Act. For example, the maximum penalty for driving under the influence of alcohol or drugs has been increased from Rs 2,000 to Rs 10,000. The central government may increase fines mentioned under the Act every year by up to 10%.
- The Bill defines Taxi aggregators as digital

intermediaries or market places which can be used by passengers to connect with a driver for transportation purposes (taxi services). **These aggregators will be issued licenses by state and they must comply with the Information Technology Act, 2000.**

- It proposes removal of the requirement for minimum educational qualification as long as the applicant holds a certificate from a driver training school or establishment.

The bill has seen resistance from the opposition on the grounds that it seeks to divest states transport authorities of their powers. However the central government has said that it was up to states to adopt the provisions of the bill

### **Impact of the bill:**

- Those who do not give way to an ambulance or fire brigade may soon have to face a hefty fine of as much as ₹10,000 or/and imprisonment up to six months.
- Their driving licence could be suspended in case they are caught speeding, racing, or driving under the influence of alcohol, among others.
- The law would help us meet the international commitments under the Brasilia Declaration of 2015 and the UN Sustainable Development Goals(SDGs).
- Obtaining a driving licence (DL) will get tougher as driving test will become technology driven, reducing human interface to curb corruption.
- A national register of driving licence would be created throughout the country to make transfer of vehicles across states easier and weed out fake DLs.
- Imposing heavy penalties would change driving habits of people.
- The provision of protecting good Samaritans will encourage more people to come forward and help out accident victims in need thus reducing mortality.
- Till now, the law did not recognise cab aggregators.

Adding the word 'aggregators' in the Act will give power to the Centre to frame guidelines for these companies and make them more compliant