

MOTOR VEHICLE BILL

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Abstract

It is sad that India is on top in the number of deaths due to road accidents, Road Safety is the major issue in our country, where people do not follow laws and some of the provision under the Motor Vehicle Act need to be more stringent. As per the requirement, **The Motor Vehicle (Amendment) Bill, 2019**, introduced several amendments in the 30year old law, was passed by the Lok Sabha and Rajya Sabha. The Motor Vehicles (Amendment) Bill, 2019 is based on the recommendations of the Group of Transport Ministers (GoM) of States constituted by the Ministry of Road Transport & Highways to address the issue of road safety and to improve the facilitation of the citizens while dealing with transport departments. The bill aims to make the Indian Roads safer, reduce corruption and use technology to overhaul the country's transportation system. Now as the bill has received the assent from the president higher penalties would be applicable on the violation of traffic rule such as over-speeding, dangerous driving, drunken driving, not wearing helmet and many other offences. The amendments will improve road safety, facilitate citizens in their dealings with transport departments, and strengthen rural transport, public transport and last mile connectivity through automation, computerization and online services. Obtaining driving license would be difficult for people with inadequate skills as driving test will become technology driven, reducing human interface to curb corruption. Centre will develop a system for cashless treatment of road accident victims during the golden hour. The amendments made under the Act will definitely help to reduce the road accidents and will make the Roads a safer place.

I. HOW SAFELY ARE WE TRAVELLING ON ROADS?

When we talk about the Road Safety we are not confident about the safety of passengers travelling, corruptions free road service or the best use of technology. Life is like a highway but it is necessary to be safe, according to the consumer voice 400 accidental deaths have taken place every day in our country. Ironically the present status of India is citizen may not have their own home and might not eat a healthier food but they do own a vehicle.

Road safety is a great subject in which to engage children and young people. It's a subject even the youngest children know something about because everyone uses roads, and road danger impacts on everyone. It's also a vitally important subject.

Road crashes are a major cause of death and injury among the young, with the risk rising as children reach secondary school age and have more independence, and young drivers and passengers facing significant risks. Danger from traffic is also a big factor in whether children and young people are able to walk and cycle to school, to the park or to see friends, and therefore their ability to be healthy and socially active.¹

Before the President gave assent to Motor Vehicle Act, 2019(Amendment) the situation of road safety was not satisfactory. Issues faced by citizen were many; I have highlighted the three major issues.

Accidents caused by minors rise, parents penalized to curb, need to make laws more stringent

Delhi ranks first in the increasing minor drivers with the average age of all violators in 2014 being 14 years. Curbing underage driving is a difficult task. Delhi police impounded the vehicles driven by minors and slashed a fine of Rs 1000 on the owners. But, there was no such change observed. According to data from Ministry of Road Transport and Highways, 10,622 persons under the age of 18 years lost their lives to road crashes in India, accounting for 29 deaths on average every day. Among 10,622 persons dead, 3417 deaths were of those children who were driving the vehicle. It is essential to hold guardians accountable for underage driving to change their callous attitude. Section 5 read with Section 180 of Motor Vehicles Act allows the police to penalize vehicle owners for allowing unauthorized persons to drive, the owners will be punished with imprisonment for a term which may extend to three months, or with fine extending to one thousand rupees or with both. But, this act is not strict enough to take a tough stand against underage driving. Police officials say that the vehicles owners get away with it, after paying a fine, 'A thousand rupee fine does not reform the offender, who more often belongs to the upper middle class of society. There is a growing trend of repeat offenders in Chennai.

To overcome this problem, The Motor Vehicles (Amendment) Bill, introduced in Lok Sabha in 2016 and passed in April 2017 has a provision for adult accountability for underage driving that has been initiated through section 199A. A guardian or the owner of the vehicle can be imprisoned for up to 3 years and fined 25,000 rupees if a juvenile is found driving the vehicle. This section allows for

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¹ <https://www.brake.org.uk/info-and-resources/resources/guide-to-teaching-road-safety>

cancellation of the registration of motor vehicle being used for such activity for 12 months, the juvenile shall not be issued a learner's license till the age of 25 for such an offence. However, the Bill remains pending in Rajya Sabha since the last session and needs to be passed in order to ensure nationwide implementation of this provision. Therefore, it is pleaded that this bill gets its assent in Rajya Sabha for the maintenance of Road Safety.

It is further pleaded that awareness regarding safety of minors shall be taken into consideration as they indulge in underage driving. Seminars or workshops in schools or safety campaigns in local neighborhood must be mandatory in order to ensure safety of underage drivers driving without license. Teenage driving is also a risk because minors cannot make judgments and are bad at decision making. Here, parents have the sole responsibility to ensure that their underage children don't get behind the wheels of a motor vehicle as a vehicle in hands of an untrained person is a weapon capable of inflicting serious harm.

A recent case of hit and run by a 17 years old minor was alleged behind the wheels of Mercedes that killed a man named Siddhartha Sharma in Civil Lines in Delhi was arrested by the police. The vehicle was registered in the name of company owned by Manoj and Indu Aggarwal. Boy's father was arrested been charged in aiding with the crime by allowing him to drive before legal age, but was later granted bail. The seriousness of such crimes indicates that punishment for such offences is made more stringent and minors should be stopped from commission of such heinous acts. Many a time minors imitate stunts from YouTube, televisions without proper guidance and perform the same, causing serious injuries to themselves and pedestrians. A law should be made to keep a check on such minors. Many a times, primarily the younger generation crosses the speed limit and this lead to deaths on roads. It is pleaded that Traffic Police are given the authority to take serious actions against such individuals who drive exceeding the speed limit. As seen mostly the traffic police officers are bribed by these lawbreakers and are left by paying the money to keep the mouth shut of the officers. Such Traffic Police Officers must be penalized for conducting Corruption in way of bribery and their powers must be taken away from them. Bribery allows minors to continue with their underage driving without even having a learning license with no fear.

When children of MLA's or other ministers or any other minor belonging to a wealthy family drive recklessly, the traffic police officers do not even intend to stop them and let them go without penalizing them. Therefore, such minors must not be given vehicles and if they commit any heinous act they must be punished like a child of ordinary man. No partiality should be exercised on basis of their family background. Drunken and reckless driving is yet another condition when road accidents

occur. Minors involved in drunken driving accidents receive jail sentence, which range from few days to number of years depending upon the severity of case. Punishments for such teenagers are harsher as they face penalties for both underage drinking and underage driving. But, in many cases they are set to free again by committing the act of bribery to the officials who caught them. Hence, more strict laws should be made on this issue and their punishment should be increased so that it stands out to be an example for other minors.

Motor vehicle Act faces some loopholes which the court shall observe and made required changes if any, which includes:

- In the Motor Vehicle Act, 1988 the powers are under the central government, but given the differences in the development and infrastructure of each state, each state should have power to frame their rules and penalties accordingly.
- The current fines are peanuts for the affluent people, and they do not mind playing exorbitant fines. Therefore, they should be increased but at the same time they should suit poor.
- The procedure of getting a driver's license requires change. Firstly it should be made online so that it becomes convenient and involvement of agents is excluded. Secondly, license must be granted on the driver's capability and not his connections.
- There should be also monthly assessment to test the physical competence of the driver. By all these measures a lot of contribution can be made to avoid accidents and death.

Role of traffic police have tremendous responsibilities and they could contribute a lot to avoid such acts by minors making them punishable. Also, role of family and parents is crucial as they should not provide their minor children with their vehicles to lessen mishap.

II. DO YOU USE A CAR SEAT FOR YOUR BABY? IS YOUR BABY TRAVELLING WITH YOU SAFE?

Indians generally are over protective about their babies and are emotionally connected towards them. Babies who sleep between parents seem to get more connected towards their parents. There is tendency that children are not allowed to go out even if they are major due to safety reasons but car seat safety is been ignored beautifully. From the time the child is born it is required that proper safety measures are taken during travelling. The child is born in biggest hospital but nobody is concern how parents are taking them to the home. Whereas in many developed countries hospital staff refuse to

deliver baby to parents if proper safety car measures are not observed. But no such concern is seen in India.

Over protective parenting lead to make sit their babies in “Godi” rather than making child sit in infant car seat. Being Indian they’re emotionally so much attached to the child that doesn’t want to distanced themselves from baby but making baby sit on the back seat with safety measures doesn’t mean that love has been reduced to any point .The one who make put car seat are pin pointed by society and commonly said “someone tells them it’s not videsh “. Even in the absence of law, are people not educated enough for the necessity of car seat? Or they know about the consequences still believe in the fate?

When we start loving babies at first sight then why not their safety at first step?

Here are some statistics that will tell you why it is so important to make sure your baby sits in a car seat till at least the age of 5. More than 1.2 million people in India have died in road accidents. Children are particularly vulnerable to injury, but as data from the US reveals, proper seats and restraints can reduce the risk of injury and death for children by as much as 71% for kids under one year of age and by 54% for toddlers between one and four years. This is a clear indication to me that car seats should be mandatory everywhere, including India. Yet there is no such law.

Car crashes are the number cause of death in most children between the ages of 3 and 14. The most common injury in a car crash involving a child is a head injury.

When you hold your baby in your arms instead of restraining them safely in a child car seat, your baby is at a risk of flying off your arms and crashing out of the windshield. Spinal injuries are the most common car crash injuries after head injuries in babies under the age of 1. Chest injuries, followed by rib fractures and lung injuries are the next most common injuries in babies older 1. Child seats are widely considered to be an extremely effective method of ensuring the safety of children, who are the most vulnerable to serious injuries and deaths in collisions, seated in vehicles. The WHO’s Global Report on the Status on Road Safety 2015 says that child seats can decrease the risk of death in a crash by 70 per cent for infants and 80 per cent for small children. Unfortunately, the Motor Vehicles Act does not even.

Example: - Accident involving actor and politician Hema Malini While much has been written, said and criticized about the whole unfortunate event, a very important point is being lost amidst the din.

If there would be proper law in India such accidents would not lead to injury to children.

Parents must have their children in a properly used car seat or booster seat. There must be a phrase that says the car seat must be properly installed, and the law might reference the manufacturer's instructions as evidence of proper use or installation. Further laws should be made regarding child must ride in an "appropriate" car seat for the child's age and weight, meaning you're using it for a child who fits within the labeled weight, height, and age.

While car seat laws should be up to each state, the approval process of car seats and booster seats is covered by the government. Manufacturers do their own testing according to a set of federal standards before putting a car seat on the market. But unfortunately no such laws are framed in India. In countries like the USA and in Europe, it is an offence to allow children to sit in the front seat next to the driver. Even leading taxi cab company drivers only allow children into their cars if their guardians have a car seat with them.

Laws are made in India under Motor Vehicles Act for seat belt :
Law on Use of Seatbelt: CENTRAL MOTOR VEHICLES RULES 1989 As per the provisions of sub-rule (3) of Rule 138 of the Central Motor Vehicle Rules, 1989 'in a motor vehicle, in which seatbelts have been provided under sub-rule (1) or sub-rule (1A) of rule 125 or rule 125A, as the case may be, it shall be ensured that the driver, and the person seated in the front seat or the persons occupying front facing rear seats, as the case may be, wear the seat belts while the vehicle is in motion. Rule 125 (1) requires the manufacturer of every motor vehicle other than motor cycles and three-wheelers of engine capacity not exceeding 500 cc, shall equip every such vehicle with a seat belt for the driver and for the person occupying the front seat. Rule 125 (1A) requires the manufacturer of every motor vehicle that is used for carriage of passengers and their luggage and comprising no more than 8 seats in addition to the driver's seat, shall equip it with a seat belt for a person occupying the front facing rear seat.

How can we bring about awareness? Indian manufacturers should be incentivized to produce safe and affordable car seats for kids. Car dealers, maternity homes, schools and traffic personnel should be empowered to build awareness. If the public can be charged toll taxes without any exception, why can't they be conditioned to follow important safety practices?

The marketing sector can encourage the society and can play a major role in insisting to buy the products

Marketing is key in this product segment. Safety of an Infant is a very sensitive issue and it should be addressed by Government (Ministry of Women and Child Development and Ministry of Road Transport and Highways) and industry.

Three-point framework in addressing the issue of public safety:

1. Introducing proper laws, rules and regulations
2. Creating awareness in the general public about the laws,
3. Firm implementation of these laws by the concerned authorities.

I request our government to take lessons from this mishap and please enforce the use of car seats for kids in India. There should be strict imposing of fines for the violators. The crime is not against the individual only but it's against the whole society. The infants are the future of our country we need to take care of their upbringing. When we're developing in every manner then why not in the case of safety measure of the infant. Please take the urgent two steps: - properly educating people about the rules and guiding your officials to be honest guardians of law and order.

III. ROAD SAFETY FOR THE HOMELESS COMMUNITY IN INDIA

Homelessness is a major issue in India. The word 'homeless' is defined as those who do not live in Census houses, but rather stay on pavements, roadsides, railway platforms, staircases, temples, streets, in pipes, or other open spaces. There are many issues faced by these homeless folks but road accidents by reckless drivers are one of the most common problem.

Bad behavior on India's roads ranges from verbal abuse, gestures and horn-honking to aggressive driving, threats, assaults, and with cars and buses, motorbikes and, the problems only increase. These behaviors can be really disturbing for the people who live on roads or those who have their small houses near the edge of the road side.

What happens during an automobile accident involving a homeless person? Any injury accident is a tragic, but an accident involving a homeless person can be more complicated than other injury-related accidents—since the victim may be without living relatives, probably has no personal identification,

and may have untreated mental or physical illnesses. His accident or in some cases even death can be unsettling for his family as they are financially dependent on him.

Unfortunately, India has the dubious distinction of registering the highest number of road fatalities in the world, despite the fact that its population is much smaller than its neighbor China and there are fewer vehicles on the roads than in the US. Even the Government's own statistics speak volumes.

Every year around 500,000 accidents happen, leaving some 150,000 homeless people dead. Every minute there is one road accident in the country, and every four minutes there is one death. Inadequate laws, poor enforcement and a perception that accidents are inevitable have almost become a norm.

The wealthy class of people is more likely to commit these accidents as they do not have to face the fear of the judicial system. They have enough availability of money and power **to deal with the downstream costs of unethical behavior. People living on roads and especially children are more likely to be injured than the normal people. Drunken driving has also become a matter of concern and these people cause a lot of accidents.** Not only drunk driving puts the life of homeless on risk but also the driver's life itself is in danger. There are many cases where the homeless becomes a victim in hands of a careless driver. Some of the recent ones are as follows:

A 32-year-old carpenter was killed while crossing the road in North Delhi's posh Civil Lines area, after being hit by a speeding car allegedly driven by a drunken teenager.

A week later, a car full of teenagers driving to their exams drove off a flyover, killing four people lying on the footpaths instantly.

A reversing dumper truck ran over and crushed a 35-year-old sleeping on a Mumbai road in November 2007, a motor accident claims tribunal last month held that the victim was equally to blame for the accident because the driver bribed the lawyer. It held that the deceased was "negligent" as he dangerously chose to sleep on the corner of the road. Because of this, the tribunal halved the compensation due to the deceased's family. "Roads are meant for traffic of vehicles and not for sleeping at night," the tribunal reportedly observed. "It was the responsibility of the injured to not sleep on the road. He should have at least slept on the footpath." Such cases are too common in India where only the poor is to be blamed.

IV. LEGAL OVERVIEW

There has been a steep escalation of road accidents in the past few years with the expansion of more motor vehicles in India. Road injuries and fatalities have come up as a major public concern as it is

one of the leading causes of death and permanent disability in this country especially for the homeless working people like balloon sellers, rickshaw pullers, casual workers and street vendors. According to a study conducted by National Transportation Planning and Research Center, one road accident takes place in every four minutes in India. Almost 97% of the road accidents are caused by rash or negligent driving.

When a road accident takes place, it gives rise to both civil and criminal liabilities on the part of the driver depending upon the nature and cause of the accident. Motor Vehicles Act, 1988 majorly deal with issues related to road accidents. Indian Penal Code also covers certain areas when it comes to criminal liability.

Section 132 of Motor Vehicles Act, 1988

It is the driver's duty to stop his vehicle and wait for a police officer for some reasonable time when he is involved in a road accident and injures any poor person, animal or causes damage to any other car or property.

The driver of the vehicle should not panic and he should give his name and address to the person affected by the accident and also ask for the affected person's details.

Section 134 of Motor Vehicles Act, 1988

It is the duty of the driver or the person in charge of the vehicle to take the injured person to the nearest hospital unless he is unable to do so due to circumstances out of his control. Such a driver should provide any kind of information to the police as and when demanded.

In case there was no police near the area of accident, such incident should be reported to the nearest police station within 24 hours of the said accident.

Information about the accident should be given to the insurer of the policy holder (driver or owner). Policy holder is the person who holds the Certificate of Insurance issued by the insurer. Information such as date, time and place of the accident, details of the person dead or injured, details of the driver of the car are important in such cases.

Things to do after a road accident

An application for compensation should be filed under the Claims Tribunal when death, injury or damage has been caused by a motor vehicle.

Such application can be filed by:-

- The person who has sustained such injury;

- The person whose property is damaged;
- Legal representatives of the person deceased or;
- An agent duly authorized by the injured person or the legal representatives.

There are three modes by which aggrieved can ask for compensation:-

- Principle of no fault liability (Section 140),
- Structured formula basis (Section 163A),
- Compensation in hit and run cases (Section 161)

Criminal liability under Indian Penal Code

The main provision that imposes criminal liability on the accused is Section 304A that is, when due to the rash or negligent act of the driver, an accident is caused, that person shall be punished with imprisonment of the term which may extend to 2 years or fine.

In case a road accident victim dies, it needs to be proven that the accident was a result of rash and negligent driving. The prosecution needs to prove this. The police will file a criminal case under Section 304 A of the Indian Penal Code, which deals with offences relating to death due to negligence.

An act of rash driving even without causing any harm is punishable under Section 336 of the IPC provided that act endangers human life or safety. This will be punishable with either an imprisonment of three months or a fine of Rs 250.

But the sad reality is despite of all these laws and legal compliances, road accidents are very common in India. The lapses in traffic laws regulations, violations and accidents are glaring reality. Driving sensibly is a responsibility-legal, social and moral, however rarely seen. Omission of this duty can bring the irresponsible driver, owner of the vehicle, insurer and others not only in a legal battle but huge pain and sufferings for victim and his family members suffering for life. It is important to realize that right to life and liberty involves ensuring safety at every level including while we are walking or driving on roads. There is a need to sensitize the drivers on road about the responsibility towards environment, fellow people on and traffic although basic laws for road safety exist in India, their enforcement is extremely weak.

There is definitely need for strict traffic laws and its compliances but the same can be not just ensured by increasing the number of traffic challans alone but by rigorous road safety sensitization programmes right from kindergarten and considering the magnitude of such problem the programmes should be done at organizational levels by NGOs, Government bodies and institutes of road safety. It is therefore pleaded that more stringent laws to be made regarding road accidents and safer mobility to ensure the well being of the poorer sections of the community. Road Safety Audits and Safety Inspection shall be conducted on a regular basis. Along with the strict laws, there should be enforcement mechanisms.

The Motor Vehicle (Amendment) Bill, 2019, that introduces several amendments in the 30year old law, was passed by the Lok Sabha and Rajya Sabha. The Motor Vehicles (Amendment) Bill, 2019 is based on the recommendations of the Group of Transport Ministers (GoM) of States constituted by the Ministry of Road Transport & Highways to address the issue of road safety and to improve the facilitation of the citizens while dealing with transport departments. The GoM was headed by Shri. Yoonus Khan, the then Transport Minister of Rajasthan, and had 18 State Transport Ministers from different political parties as members. On the basis of recommendations of the GoM and other pressing requirements, the Ministry of Road Transport & Highways introduced the Motor Vehicle (Amendment) Bill 2016. This, along with amendments, was passed by Lok Sabha on 10th April, 2017. The Bill as passed by Lok Sabha was introduced in Rajya Sabha and was referred to the Select Committee of the Rajya Sabha on 08.08.2017. The Select Committee presented its report to the Parliament on 22nd December, 2017. The Bill was pending in the Rajya Sabha and lapsed with the dissolution of the 16th Lok Sabha.² 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.³

Transport and Highways Minister Nitin Gadkari admitted in the parliament that ministry of transport and highways had struggled to reduce the number of road accidents in the past five years. "It is sad that India is on top in the number of deaths due to road accidents," Gadkari said. "Even after making full efforts from my side, deaths have only come down by three to four per cent. I have failed in it, I

² <https://pib.gov.in/newsite/PrintRelease.aspx?relid=192424>

³ <https://www.news18.com/news/auto/learn-to-fly-an-aircraft-in-just-17-months-with-indigo-cadet-pilot-program-2278605.html>

accept it."According to a report by the government, road accidents in India killed between 1.46 lakh and 1.5 lakh people every year between 2015 and 2017. Among vehicle categories involved in road accidents, two-wheelers accounted for the highest share (33.9%) in total accidents and fatalities (29.8%) in 2017. Light vehicles comprising cars, jeeps and taxis as a category constituted 24.5 per cent in total accidents and 21.1 per cent in total fatalities ⁴

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: (i) standards of motor vehicles, (ii) registration and licensing of vehicles, (iii) standards for road safety, and (iv) promotion of new vehicle technology.⁵

The bill aims to make the Indian Roads safer, reduce corruption and use technology to overhaul the country's transportation system. Now as the bill has received the assent from the president higher penalties would be applicable on the violation of traffic rule such as over-speeding, dangerous driving, drunken driving, not wearing helmet and many other offences. The amendments will improve road safety, facilitate citizens in their dealings with transport departments, and strengthen rural transport, public transport and last mile connectivity through automation, computerization and online services. The amendments in the Bill mainly focus on issues relating to improving road safety, citizens' facilitation while dealing with the transport department, strengthening rural transport, last mile connectivity and public transport, automation and computerization and enabling online services. Some of the important areas of amendment are as follows:

It allows the center to ask **manufacturer of the vehicle to recall** their vehicle if there is any defect which cause the harm to the environment. The Government can recall vehicle whose components or engine do not meet the required standards. Manufactures may be fined up to Rs 500crore in case of substandard components or engine. 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. 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

⁴ https://www.business-standard.com/article/economy-policy/new-motor-vehicles-bill-2019-penalties-full-list-fines-for-traffic-rules-violation-from-children-driving-drunken-driving-rs-10000-fine-jail-all-you-need-to-know-119080100254_1.html

⁵ <http://prsindia.org/billtrack/motor-vehicles-amendment-bill-2019>

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. 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.⁶ Below are the proposed changes for a safer India.

| Section/ Offence | Old Penalty | New Penalty (Minimum) |
|--|-------------|-----------------------|
| General (177) | Rs 100 | Rs 500 |
| Rules of road regulation violation (new 177A) | Rs. 100 | Rs 500 |
| Travelling without a ticket (178) | Rs 200 | Rs 500 |
| Disobedience of orders of authorities (179) | Rs 500 | Rs 2000 |
| Unauthorized use of vehicles without licence (180) | Rs 1000 | Rs 5000 |
| Driving without licence (181) | Rs 500 | Rs 5000 |

⁶ <https://pib.gov.in/newsite/PrintRelease.aspx?relid=192424>

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|--|--|---|
| Driving without qualification (182) | Rs 500 | Rs 10,000 |
| Oversized vehicles (182B) | New | Rs 5000 |
| Over speeding (183) | Rs 400 | Rs 1000 for LMV, Rs 2000 for Medium Passenger Vehicle |
| Dangerous driving penalty (184) | Rs. 1,000 | Upto Rs 5000 |
| Drunken driving (185) | Rs 2000 | Rs 10,000 |
| Speeding/ Racing (189) | Rs 500 | Rs 5,000 |
| Vehicle without permit (192A) | Upto Rs 5000 | Upto Rs 10,000 |
| Aggregators (violations of licencing conditions) (193) | New | Rs 25,000 to Rs 1,00,000 |
| Overloading (194) | Rs 2,000, and Rs 1,000 per extra tonne | Rs 20,000, and Rs 2,000 per extra tonne |
| Overloading of Passengers (194A) | N.A. | Rs 1000 per extra passenger |
| Seat Belt (194 B) | Rs 100 | Rs 1,000 |
| Overloading of two-wheelers (194 C) | Rs 100 | Rs 2,000 , Disqualification of licence for 3 months |

| | | |
|--|----------|--|
| Not providing way for emergency vehicles (194E) | New | Rs 10,000 |
| Driving without insurance (196) | Rs 1,000 | Rs 2,000 |
| Offences by Juveniles (199) | New | Guardian/ Owner shall be deemed guilty. Rs 25,000 with 3 years imprisonment. Juvenile to be tried under JJ Act. Registration of Motor Vehicle to be cancelled. |
| Power of officers to impound documents (206) | N.A. | Suspension of driving licence under sections 183, 184, 185, 189, 190, 194C, 194D, 194E, |
| Offences committed by enforcing authorities (210B) | N.A. | Twice the penalty under the relevant section |

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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. If a vehicle manufacturer fails to comply with motor vehicle standards, the penalty will be a fine of up to Rs 100 crore, or imprisonment of up to one year, or both. If a contractor fails to comply with road design standards, the penalty will be a fine of up to one lakh rupees. The central government may increase fines mentioned under the Act every year by up to 10%.

My first issue which is regarding accidents caused by the minors, all the **traffic caused by juveniles**, the guardians or owner of the vehicle would be held responsible, guardian or owner shall be punishable with imprisonment for a term which may extend to three years and with a fine of twenty-five thousand rupees. Such juvenile shall not be eligible to be granted a driving licence under section 9 or a learner's licence under section 8 until such juvenile has attained the age of twenty-five years. Unless they prove the offence was committed without their knowledge or they tried to prevent it. The registration of the motor vehicle in question will be cancelled. The Juvenile will be tried under the Juvenile Justice Act,

⁷ <https://www.news18.com/news/auto/learn-to-fly-an-aircraft-in-just-17-months-with-indigo-cadet-pilot-program-2278605.html>

2000.⁸ If your son or daughter is caught violating traffic norms, you may have to pay a fine of Rs 25,000 and face arrest. Yes, you read that correctly. According to the new traffic rules, you are liable for your child's wrongdoings.

Another major decision taken is under Hit & Run accidents, **hit and run motor accident**” means an accident arising out of the use of a motor vehicle or motor vehicles the identity whereof cannot be ascertained in spite of reasonable efforts for the purpose. When death is caused from hit & run sum of two lakh or more is charged as prescribed by the central government and in the case of grievous hurt person will get sum of fifty thousand or more be charged as prescribed by the central government. Provides compensation to person who died or had suffered grievous hurt in hit and run motor accident are mentioned under section 161 of the act. From now onwards granting of licenses won't be easy, the **driving training** process has been strengthen. This will help in reducing the shortage of commercial drivers in the country. More and more driver's training schools and vehicle fitness centers will be opened. A remedial driver training course from any school or establishment under section 12” shall be inserted. Any person who has successfully completed a training module at such school or establishment covering a particular type of motor vehicle shall be eligible to obtain a driving licence for such type of motor vehicle. The licence holder whose licence has been suspended shall undergo the driver refresher training course from a school or establishment licenced and regulated under section 12. The Bill provides for online Learners Licence with mandatory online identity verification Driving test will be computerized to avoid fake D.L. The Bill will bring transparency in RTO offices. Commercial licenses will be valid up to five instead of three years. Application for renewal can be made one year prior to or after licence lapses. Driver Training Schools will be opened so that more efficient drivers may be available. It further makes Aadhaar mandatory for getting a driving licence and vehicle registration.⁹

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 shall be credited payment of a nature notified and approved by the Central Government; any grant or loan made to the Fund by the Central Government; the balance of the Fund created under scheme framed under section 163, as it stood immediately before the commencement of the Motor Vehicles (Amendment) Act, 2019; and (d) any other source of income as may be prescribed by the Central Government. It will be utilized for: treatment of persons injured in road accidents as per the golden hour scheme, compensation to

⁸ http://164.100.47.4/BillsTexts/LSBillTexts/PassedLoksabha/154_C_2019_Eng.pdf

⁹ *ibid*

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. The maximum liability amount that shall be paid in each case shall be such as may be prescribed by the Central Government. The Fund shall be managed by such authority or agency as the Central Government may specify having regard to the knowledge of insurance business of the agency; capability of the agency to manage funds; and any other criteria as may be prescribed by the Central Government. The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him.¹⁰ Amendment in the section 56, vehicle fitness has been inserted that no certificate of fitness shall be granted to a vehicle, after such date as may be notified by the Central Government, unless such vehicle has been tested at an automated testing station. 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 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.¹¹ Road contractors may need to be careful as they can be penalized for faulty road designs. Currently, there is no such provision under the law. Now by introduction of bill we can definitely hope that accidents will be reduced which are caused due to the defect in motor vehicle or at fault of drivers as granting of license is not an easy task with inadequate skills.

¹⁰ *ibid*

¹¹ <https://pib.gov.in/newsite/PrintRelease.aspx?relid=192424>