



Report on Analysis of status of Road Safety Laws and Policies related to key Risk Factors



**CONSUMER
VOICE**

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Context:

Consumer VOICE, working on road safety issues need to research the national level laws and policies related to safety risk factors. The purpose it to identify the gaps in law and policies to come up with recommendations for the concerned policy makers to fill the gaps and additional measures for effective implementation thereof.

Additionally there are state level rules, regulations, polices, schemes and best practices related to these risk factors. So in their target states Uttar Pradesh and Madhya Pradesh need to analyze the laws and policies. In these 2 states it was require to analyze the state motor vehicle rules, state road safety policy and action plan related to given risk factors.

This is the draft research report submitted to VOICE by the legal consultant was further updated after visit of **VOICE team (Amarjeet Singh & Rinki Sharma)** in state of Uttar Pradesh and Madhya Pradesh. VOICE team had interactions with concerned policy makers as Transport Commissioners, Deputy Transport Commissioner, State Road Safety Cell, Traffic policy officials to get their feedback on identified polcy gaps and get on ground situation.

Then Amarjeet Singh from Consumer VOICE updated and finalised the draft report. However we are planning to have more meetings with Central Level Stakeholders and stakeholder consultations in target states before finalising the report.

1. Role of Laws in Road Safety

Road safety laws play a crucial role in promoting and improving road safety by establishing clear rules, guidelines, and standards for all road users. Here are some ways in which road safety laws can contribute to enhancing road safety:

- **Establishing Legal Framework:** Road safety laws create a legal framework that defines the rights and responsibilities of all road users. They provide a clear set of rules and regulations that must be followed, ensuring a standardized approach to road safety.
- **Encouraging Safe Behaviour:** Road safety laws encourage safe behaviour among drivers, pedestrians, and other road users. By mandating the use of seat belts, helmets, and child restraints, for example, these laws promote protective measures that reduce the risk of injuries in case of accidents.
- **Reducing Risky Actions:** Laws against drunk driving, speeding, and distracted driving deter risky behaviour that contributes to accidents. Penalties and consequences for violations act as deterrents, encouraging individuals to comply with safe driving practices.
- **Enhancing Enforcement:** Road safety laws provide a basis for enforcement by traffic police and authorities. They enable law enforcement agencies to monitor and penalize violations, creating a deterrent effect and ensuring compliance with safe driving practices.
- **Promoting Vehicle Safety Standards:** Road safety laws often include regulations that mandate specific safety standards for vehicles. This encourages manufacturers to design and produce vehicles with safety features such as airbags, anti-lock braking systems (ABS), and electronic stability control (ESC), ultimately reducing the risk of accidents.
- **Increasing Public Awareness:** The existence of road safety laws raises public awareness about safe driving practices and the importance of adhering to road regulations. Public education campaigns and initiatives related to road safety often utilize these laws as a foundation to promote responsible behaviour on the roads.

By combining the above factors, road safety laws create a comprehensive framework for addressing road safety issues. However, it is essential to ensure effective implementation, enforcement, and regular evaluation of these laws to maximize their impact and continually improve road safety outcomes.

2. Indian Legislations dealing with Road Safety:

2.1: The Motor Vehicles Act, 1988

The Motor Vehicles Act is a comprehensive legislation in India that governs various aspects related to motor vehicles, road safety, and transportation. It was first enacted in 1988 and has been subsequently amended to address evolving road safety challenges and align with international best practices.

Key features and provisions of the Motor Vehicles Act:

- **Licensing:** The Act specifies the process for obtaining driving licenses, including different categories and eligibility criteria. It sets standards for driving schools and conducts tests to ensure the competence of drivers on the road.
- **Vehicle Registration:** The Act mandates the registration of all motor vehicles before they can be driven on public roads. It outlines the process, documentation, and fees associated with vehicle registration.
- **Road Safety:** The Act includes provisions related to road safety, such as speed limits, seat belt usage, helmet requirements for two-wheeler riders, and child restraint systems. It defines penalties for violations and sets the framework for enforcement by traffic authorities. It also provided for establishment of a national Road Safety Board, Road Safety Councils and road safety committees.
- **Insurance:** The Act makes it mandatory for all motor vehicles to have third-party liability insurance coverage. This ensures that victims of road accidents are compensated for any injuries or damages caused by a motor vehicle.
- **Offenses and Penalties:** The Act establishes penalties for various traffic offenses, such as speeding, drunken driving, driving without a license, jumping traffic signals, and using mobile phones while driving. The penalties vary based on the severity of the offense.
- **Road Transport Authorities:** The Act establishes regional and state-level transport authorities responsible for issuing licenses, permits, and enforcing the provisions of the Act. It also outlines the powers and functions of these authorities.
- **Road Accident Claims:** The Act provides a framework for road accident victims to seek compensation through insurance claims. It includes provisions for no-fault liability, the Motor Accidents Claims Tribunal (MACT), and the establishment of the Motor Vehicle Accident Fund.

It's important to note that the Motor Vehicles Act has undergone significant amendments in recent years, including the **Motor Vehicles (Amendment) Act, 2019**. These amendments have introduced stricter penalties, enhanced road safety measures, and streamlined processes to improve overall road safety in India.

Under the Motor Vehicle Act 1988, there are Central Motor Vehicle Rules (CMVR), State Motor Vehicle Rules (SMVR), Regulations and standards to deal with different aspects of the law.

2.1.1: The Motor Vehicles (Amendment) Act, 2019

The Motor Vehicles (Amendment) Act, 2019 is a significant amendment to the Motor Vehicles Act, 1988 in India. The amendment was enacted to address the rising concerns of road safety and to bring about improvements in various aspects of the motor vehicle ecosystem.

Key features and provisions of the Motor Vehicles (Amendment) Act, 2019:

- **Stricter Penalties:** The amendment introduced significantly higher penalties for traffic offenses to deter violations and improve compliance with traffic rules. The fines for offenses such as speeding, drunken driving, driving without a license, and not wearing helmets or seat belts were substantially increased.
- **Road Safety:** The amendment focused on enhancing road safety measures. It included provisions for the protection of vulnerable road users such as pedestrians and cyclists, as well as stricter norms for vehicle manufacturers to adhere to safety standards.
- **Good Samaritan Protection:** The amendment aimed to protect Good Samaritans who assist accident victims from unnecessary harassment and legal complications. It provided legal safeguards to encourage bystanders to come forward and provide immediate help to accident victims.
- **National Transportation Policy:** The amendment mandated the formulation of a National Transportation Policy, which would serve as a framework for all aspects of transportation, including road safety, traffic management, and public transportation.
- **Motor Vehicle Aggregators:** The amendment introduced regulations for app-based taxi aggregators such as Ola and Uber. It defined their roles, responsibilities, and liabilities, including requirements for obtaining licenses and adherence to prescribed standards.
- **Motor Vehicle Testing and Certification:** The amendment established stricter guidelines for vehicle testing and certification. It emphasized the use of automated

testing equipment, increased scrutiny of vehicle fitness, and mandated the recall of vehicles in case of defects affecting safety.

- **Juvenile Offenses:** The amendment introduced provisions to hold the guardians or vehicle owners responsible for offenses committed by juvenile drivers. It aimed to ensure better control and supervision of vehicles driven by underage drivers.
- **Vehicle Fitness:** MVA amendments mandate automated fitness testing for vehicles. This will not only reduce corruption in the transport department but will also improve the road worthiness of the vehicle. In fact, a penalty has been provided for deliberate violation of safety/environmental regulations as well as body builders and spare part suppliers. With this amendment, 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.
- **Recall of Vehicle:** Also, the central government is now eligible to order for recall of motor vehicles if there is a defect in the vehicle which may cause damage to the environment, or the driver, or other road users. The manufacturer of the recalled vehicle will be required to reimburse the buyers for the full cost of the vehicle or replace the defective vehicle with another vehicle with similar or better specifications.
- **Road Safety Board:** The amended Act provides for a National Road Safety Board, to be created by the government through a notification. This 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.
- **Motor Vehicle Accident Fund:** The Act now 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 the 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.
- **Drivers Training:** The driving training process has also been strengthened, enabling faster issuance of transport licences. This will help in reducing the shortage of commercial drivers in the country. More and more drivers training schools and vehicle fitness centers will be opened. To facilitate transport solutions for *divyang*, the bottlenecks have been removed in respect of grant of driving licences as well as alterations in the vehicles to make it fit for their use.
- **Electronic Monitoring and Enforcement:** The amendment emphasized the use of technology for better traffic management and enforcement. It enabled the use of

electronic monitoring systems such as speed cameras, red-light cameras, and surveillance cameras to detect and penalize traffic violations.

- **Online Services:** The amendment facilitated the provision of various services online, such as the application and renewal of driving licenses, vehicle registration, and payment of fines. This aimed to improve efficiency, transparency, and convenience in dealing with transport-related services.

2.2: Other Laws dealing with some aspects of road safety:

2.2.1: The Indian Penal Code (IPC), 1860

IPC covers various aspects related to accidents, especially those involving negligence or rash and negligent acts that result in harm to others. Here are some relevant sections of the IPC that may be applicable in the context of accidents:

- **Section 279:** Rash driving or riding on a public way - This section deals with cases where a person drives a vehicle recklessly or negligently on a public road or causes danger to others.
- **Section 304A:** Causing death by negligence - This section is applicable when a person's negligent act results in the death of another person. It provides for punishment in cases of death caused by a rash or negligent act.
- **Section 337:** Causing hurt by act endangering life or personal safety of others - This section is applicable when a person's act endangers the life or personal safety of others, causing hurt or injury.
- **Section 338:** Causing grievous hurt by act endangering life or personal safety of others - Similar to Section 337, but it deals with cases where grievous hurt is caused.

It's important to note that the applicability of these sections depends on the specific circumstances of the accident and the level of negligence or recklessness involved. The police and the judicial system consider various factors before invoking the relevant sections and deciding on appropriate legal actions.

2.2.2: Bureau of Indian standards (BIS) Act 2016

This Act establishes the Bureau of Indian Standards (BIS) as the National Standards Body of India. The Act enables the Central Government to appoint any **authority/agency**, in addition to the BIS, to **verify the conformity** of **products** and services with the established standard and issue **certificate of conformity**.

The Bureau of Indian Standards (BIS) prepares various standards including for vehicles, safety devices such as helmets, seatbelts etc.

Indian Roads Congress (IRC) the apex body of road sector engineers and professionals prepares various standards, designs and guidelines for roads and many are adopted as national standards by BIS.

3. Role of Centre and States in road safety in India

India has a federal structure of government, which means that the country's powers are divided between the central government and the state governments. This division of powers is enshrined in the Constitution of India. The federal structure is a key

feature that allows for the distribution of authority and responsibilities between the central and state governments while maintaining the unity and integrity of the nation.

Road safety is a shared responsibility between the central government and the state governments. Both levels of government play important roles in formulating policies, implementing measures, and promoting road safety initiatives to reduce accidents and improve transportation safety.

The chapters of Motor Vehicle Act, 1988 provide the powers of Central and State Governments.

3.1 Central Government:

a. Legislation: The central government is responsible for enacting and amending laws related to road safety. The Motor Vehicles Act, 1988, which governs road transport in India, is a key piece of legislation at the central level. The central government also proposes amendments to the Act to address emerging road safety challenges.

b. National Road Safety Policy: The central government formulates the National Road Safety Policy, which provides a strategic framework for improving road safety across the country. The policy outlines the priorities, goals, and action plans to be implemented by both the center and states.

c. Standards and Guidelines: The central government, through agencies like the Ministry of Road Transport and Highways (MoRTH), sets national standards and guidelines for road design, road safety features, traffic management, and vehicle safety.

d. Funding: The central government allocates funds for road safety programs and projects to states through various schemes and initiatives.

e. Research and Data Collection: The central government conducts research on road safety issues, collects and analyzes data on road accidents, and publishes reports to understand trends and identify risk factors.

f. Capacity Building: The central government facilitates training and capacity building programs for state officials and stakeholders to enhance road safety management and implementation.

3.2 State Governments:

- a. **Implementation of Laws:** State governments are responsible for implementing the laws related to road safety within their respective states. This includes enforcing traffic rules and regulations, issuing licenses, and imposing penalties for traffic violations.
- b. **Road Infrastructure:** State governments play a crucial role in planning, constructing, and maintaining road infrastructure, including the design and maintenance of safe roads, pedestrian facilities, and signage.
- c. **Road Safety Programs:** States develop and implement their road safety programs and initiatives, in line with the National Road Safety Policy, to address specific road safety challenges faced in their regions.
- d. **Public Awareness:** State governments conduct public awareness campaigns to educate the public about road safety rules, safe driving practices, and the importance of using safety equipment.
- e. **Traffic Enforcement:** State police departments are responsible for traffic management, enforcing traffic laws, and promoting road safety through checkpoints and surveillance.
- f. **Data Collection and Reporting:** States collect data on road accidents and fatalities within their territories to monitor road safety performance and identify areas for improvement.
- g. **Driving Licenses and Permits:** State governments are responsible for creating a system of issuing driving licenses and permits for vehicles.

Both the central and state governments need to collaborate and coordinate their efforts to achieve effective road safety outcomes. A cohesive approach, with shared responsibilities, ensures a comprehensive and integrated approach to tackle road safety challenges across the country.

Constitutional provisions related to Centre – State Relations

THE CONSTITUTION OF INDIA- CHAPTER II.—ADMINISTRATIVE RELATIONS

Article 256. Obligation of States and the Union. —

The executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.

Article 257. Control of the Union over States in certain cases. —

(1) The executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.

(2) The executive power of the Union shall also extend to the giving of directions to a State as to the construction and maintenance of means of communication declared in the direction to be of national or military importance:

Provided that nothing in this clause shall be taken as restricting the power of Parliament to declare highways or waterways to be national highways or national waterways or the power of the Union with respect to the highways

or waterways so declared or the power of the Union to construct and maintain means of communication as part of its functions with respect to naval, military and air force works.

(3) The executive power of the Union shall also extend to the giving of directions to a State as to the measures to be taken for the protection of the railways within the State.

(1) Where in carrying out any direction given to a State under clause (2) as to the construction or maintenance of any means of communication or under clause (3) as to the measures to be taken for the protection of any railway, costs have been incurred in excess of those which would have been incurred in the discharge of the normal duties of the State if such direction had not been given, there shall be paid by the Government of India to the State such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India, in respect of the extra costs so incurred by the State.

Article 258. Power of the Union to confer powers, etc., on States in certain cases. —

(1) Notwithstanding anything in this Constitution, the President may, with the consent of the Government of a State, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the Union extends.

(2) A law made by Parliament which applies in any State may, notwithstanding that it relates to a matter with respect to which the Legislature of the State has no power to

make laws, confer powers and impose duties, or authorise the conferring of powers and the imposition of duties, upon the State or officers and authorities thereof.

(3) Where by virtue of this article powers and duties have been conferred or imposed upon a State or officers or authorities thereof, there shall be paid by the Government of India to the State such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India, in respect of any extra costs of administration incurred by the State in connection with the exercise of those powers and duties.

Analysis- The analysis of the Constitution provisions suggests that MoRTH can issues directions to States for enforcement of the Motor Vehicle Act, being a Central legislation and the same time MoRTH should provide funds for the enforcement obligations imposed upon the States.

4. Road Safety Risk Factors

The World Health Organization (WHO) and other agencies working on road safety identified several key risk factors as major contribute to road traffic injuries and fatalities. These risk factors play a significant role in road crashes and are essential considerations for improving road safety worldwide.

These road safety risk factors include:

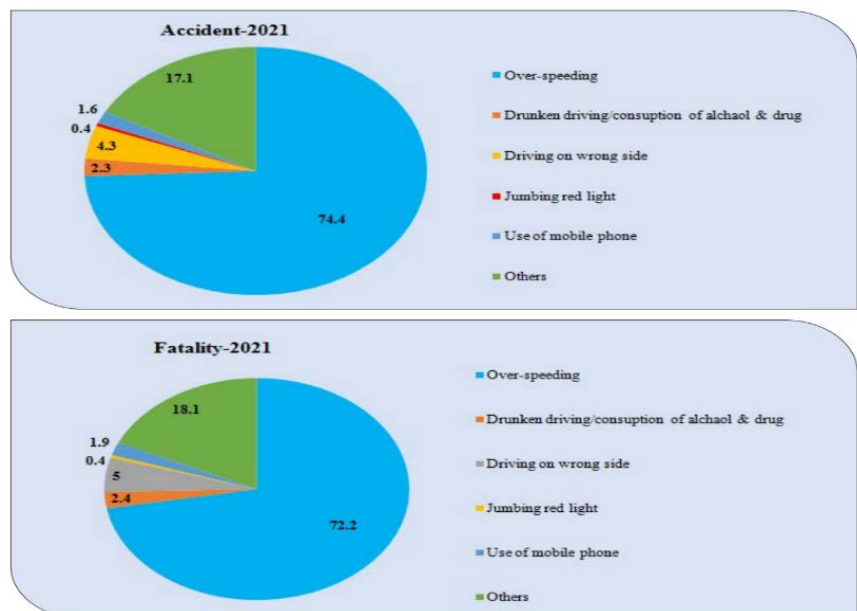
- **Speeding:** Exceeding the prescribed speed limit or driving at inappropriate speeds for road conditions increases the severity of crashes and reduces the time available for drivers to react to potential hazards.
- **Driving under influence:** Operating a vehicle under the influence of alcohol or drugs impairs judgment, coordination, and reaction times, significantly increasing the risk of accidents.
- **Non-Use of Seat Belts:** Failure to wear seat belts increases the likelihood of severe injuries or fatalities in the event of a crash.
- **Non-Use of Helmets:** Riding motorcycles or bicycles without helmets significantly raises the risk of head injuries and fatalities in accidents.
- **Non-Use of Child Restraints:** Failure to use appropriate child restraints or child seats for young passengers puts them at a higher risk of injury in case of a crash.
- **Inadequate Enforcement of Traffic Laws:** Weak enforcement of traffic rules and leniency towards offenders may not act as a sufficient deterrent to risky driving behavior.

Addressing these road safety risk factors requires a combination of effective legislation, strict law enforcement, public awareness campaigns, improved road infrastructure, and responsible driving behavior.

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5. Law related to key Risk Factors: Status and Gaps

Chart 2.11: Road Accidents and Fatalities on different categories of NH by Traffic Rule Violations



5.1 Protective Head Gear (Helmet)

Wearing a helmet while riding a two-wheeler is of utmost importance for several reasons:

- **Head Protection:** Helmets are designed to protect the head and reduce the risk of severe head injuries in case of an accident. They provide a protective barrier between the skull and any impact during a collision or fall. Wearing a helmet significantly decreases the chances of sustaining a traumatic brain injury, skull fracture, or other serious head injuries.
- **Preventing Fatalities:** Head injuries are a leading cause of fatalities in road accidents, especially for two-wheeler riders. Wearing a helmet can save lives by reducing the severity of head injuries and increasing the chances of survival. It acts as a crucial line of defense against fatal injuries in the event of a crash.
- **Reducing the Risk of Brain Injuries:** Traumatic brain injuries (TBIs) can have long-lasting and life-altering consequences. Wearing a helmet can minimize the risk of brain injuries by absorbing the impact and providing a cushioning effect to the head during an accident. It helps in dispersing and reducing the force of the impact, thereby protecting the brain.
- **Enhancing Visibility and Protection:** Helmets often come with features like visors or face shields that provide protection from wind, dust, debris, and insects while riding. They also shield the eyes from sunlight, improving visibility and reducing the risk of accidents caused by impaired vision.
- **Encouraging Safe Riding Practices:** Wearing a helmet promotes a safety-conscious culture among two-wheeler riders. It serves as a visual reminder to prioritize safety and encourages other responsible riding practices, such as obeying traffic rules, maintaining proper lane discipline, and riding defensively.
- **Setting a Good Example:** Helmet usage sets a positive example for others, including passengers and future generations of riders. When riders consistently wear helmets, it sends a message that safety is a priority and encourages others to follow suit, leading to a collective improvement in road safety.



- Compliance with Legal Requirements: Wearing a helmet is a legal requirement in India. By wearing a helmet, riders not only prioritize their own safety but also ensure compliance with traffic laws and regulations, avoiding potential fines and penalties.
- Overall, wearing a helmet is a simple and effective way to protect oneself while riding a two-wheeler. It significantly reduces the risk of severe head injuries, enhances personal safety, and promotes a culture of responsible riding.

- **Legal Provisions- Helmet:**

Under the Chapter VIII (Control of Traffic) section 129 mandates wearing helmet for every motor cycle rider above 4 year of age, except a Sikh wearing a turban, while driving a motor cycle. The section also defines helmet.

Section 129 : Wearing of protective headgear:-

Every person, above four years of age, driving or riding or being carried on a motorcycle of any class or description shall, while in a public place, wear protective headgear conforming to such standards as may be prescribed by the Central Government:

Provided that the provisions of this section shall not apply to a person who is a Sikh, if, while driving or riding on the motorcycle, in a public place, he is wearing a turban:

Provided further that the Central Government may by rules provide for measures for the safety of children below four years of age riding or being carried on a motorcycle.

Explanation.-- "Protective headgear" means a helmet which,--

(a) by virtue of its shape, material and construction, could reasonably be expected to afford to the person driving or riding on a motorcycle a degree of protection from injury in the event of an accident; and

(b) is securely fastened to the head of the wearer by means of straps or other fastenings provided on the headgear.

- **Penalty for not wearing protective headgear. —**

Section 194D: Whoever drives a motor cycle or causes or allows a motor cycle to be driven in contravention of the provisions of section 129 or the rules or regulations made thereunder shall be punishable with a fine of one thousand rupees and he shall be disqualified for holding licence for a period of three months.

- **Power of Central Government to make rules.**

Section 137: The Central Government may make rules to provide for all or any of the following matters, namely:--[(aa) providing for the standards of protective headgear and measures for the safety of children below the age of four years riding under section 129.

● **Related Definitions:**

- Section 3 (27) "motor cycle" means a two-wheeled motor vehicle, inclusive of any detachable side-car having an extra wheel, attached to the motor vehicle;
- Section 3 (34) "public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage;

● **Related Rules:**

CMVR 138(f) at the time of purchase of the two wheeler, the manufacturer of the two wheeler shall supply a protective headgear conforming to specifications prescribed by the Bureau of Indian Standards under the Bureau of Indian Standards Act, 1986 (63 of 1986):

Provided that these conditions shall not apply to category of persons exempted in terms of section 129 and the rules made thereunder by the concerned State Government.

- Section 44 of the MVA 2019, replaced the old section 129 which had given powers to state governments to exempt helmet wearing. Now the only exemption given to Sikhs wearing turban.
- Earlier section 129 reads as: "*Section 129: Wearing of protective headgear.- Every person driving or riding (otherwise than in a side car, on a motor cycle of any class or description) shall, while in a public place, wear protective headgear conforming to the standards of Bureau of Indian Standards: Provided that the State Government may, by such rules, provide for the exemption of persons above the age of twelve years from the provisions of this section.*"
- Helmets must comply with the standards set by the Bureau of Indian Standards (BIS) under the Indian

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भारत का राजपत्र
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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
अधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सड़क परिवहन और राजमार्ग मंत्रालय
अधिसूचना
नई दिल्ली, 15 फरवरी, 2022
का.अ. 691(फ).—केन्द्रीय सरकार, मोटर यान (संशोधन) अधिनियम, 2019 (2019 का 32) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 15 फरवरी, 2022 को उस तारीख के रूप में निम्नित करती है, जिसको उक्त अधिनियम की धारा 44 प्रवृत्त होगी।

[फा. सं. आरटी-11012/02/2019-एमवीएल (प्ल-2)]
अमित वरदान, संयुक्त सचिव

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
NOTIFICATION
New Delhi, the 15th February, 2022
S.O. 691(F).—In exercise of the powers conferred by sub-section (2) of section 1 of the Motor Vehicles (Amendment) Act, 2019 (32 of 2019), the Central Government hereby appoints the 15th day of February, 2022 as the date on which section 44 of the said Act shall come into force.
[F. No. RT-11012/02/2019-MVL (Pl-2)]
AMIT VARADAN, Jt. Secy.

Standard IS 4151:2015.- See detail at:
<https://law.resource.org/pub/in/bis/S03/is.4151.1993.pdf>

Implementation Status- Helmet

Notification to bring Section 129 into force was issued by the MoRTH on Feb 15, 2022 by way of which the amended section 129 (s 44 of the Motor Vehicles Amendment Act 2019) was brought into force.

1. Status in Uttar Pradesh (UP)

State of UP has notified revised penalties on July 30, 2020 under Section 200 of MVA after MVA 2019 amendment. The notification prescribe penalty of Rs. 1000/ for first offence of not wearing helmet as prescribed by the MVA 2019.

2. Status in Madhya Pradesh (MP)

State of MP has notified revised penalties on 06 March 2023 under Section 200 of MVA after MVA 2019 amendment.

The notification prescribe penalty of Rs. 300/ for first offence of not wearing helmet but and same fine of Rs. 300 for subsequent offences.

Policy GAPS- Helmet

1. Central Level- the standards of protective headgear and measures for the safety of children below the age of four years riding motor cycles are under process as required by section 129. So it's a pending task at BIS and MoRTH level.
2. There are discussions going on to revise helmet standards to make a lighter helmet suitable to Indian climate conditions and there is scope to engage in the process whenever it is started.
3. As state level- State of Madhya Pradesh has prescribed penalty of Rs. 300 for not wearing helmet, under its compounding notification issued under section 200 of the Motor Vehicle Act 1988, whereas MVA 2019 provides for penalty of Rs. 1000/- and disqualified for holding licence for a period of three months. So this is the policy gap need to be worked upon.
4. State of Uttar Pradesh has prescribed fine of Rs. 1000 for not wearing helmet under its compounding notification.

But the states of MP has not implemented disqualification of persons caught driving without helmet from holding licence for a period of three months. So that policy gap need to be plugged.

Further law should be such kind that nobody violate the law of land or think about therefore state or centre should amendment the law that defaulter of the person not wearing helmet should be penalised by impounding of the vehicle and permanent concealed his/her licence after 2nd offence for deterrent effect of the law should reflect in the society so the person will always obey the law of land.

5.2: Seatbelts

Seatbelts are one of the most critical safety features in modern vehicles, and their usage is of paramount importance for road safety. Some reasons why seatbelts are essential for protecting occupants in a vehicle:



- **Reduces the Risk of Fatalities:** Seatbelts are designed to hold occupants securely in place during a collision or sudden stop. They prevent passengers from being ejected from the vehicle, which significantly reduces the risk of fatal injuries in accidents.
- **Minimizes the Severity of Injuries:** Wearing a seatbelt ensures that the force of a collision is distributed over the stronger parts of the body, such as the chest and pelvis, rather than concentrating on vulnerable areas like the head and neck. This distribution of force helps to minimize the severity of injuries.
- **Prevents Secondary Collisions:** In a collision, unbelted occupants can become projectiles, potentially causing harm to others in the vehicle. Seatbelts prevent this from happening, safeguarding all passengers in the vehicle.
- **Protects Against Airbag Injuries:** Airbags are designed to work in conjunction with seatbelts. Seatbelts keep passengers in the proper position for the airbags to deploy effectively and prevent injuries caused by airbags deploying against unbelted occupants.
- **Maintains Control of the Vehicle:** In emergency situations or sudden stops, wearing a seatbelt helps the driver maintain control of the vehicle. An unrestrained occupant might lose control and hinder the driver's ability to steer and brake effectively.
- **Ensures Proper Airbag Deployment:** Modern vehicles are equipped with sensors that determine the intensity of a collision. Seatbelts help occupants stay in the optimal position for the airbags to deploy based on the force of the impact.
- **Compliance with the Law:** In many countries, wearing seatbelts is required by law. Non-compliance can result in fines and penalties.

- **Positive Safety Behavior:** By wearing seatbelts consistently, it instills a safety-conscious mindset among vehicle occupants and encourages others to follow suit.
- **Protection During Rollover Accidents:** Seatbelts are essential during rollover accidents, as they help to keep occupants inside the vehicle and prevent them from being ejected, which is one of the most dangerous scenarios in such accidents.

Regardless of the distance travelled or the speed at which you are driving, wearing seatbelts is a simple and effective way to protect yourself and others in the vehicle. It is crucial for all occupants, including the driver and passengers, to buckle up before every trip, as it can save lives and prevent serious injuries in the event of an accident,

further to improve this safety aspect the authority should issue direction to manufacture of the vehicle company that they should installed a device in the vehicle that if the person not wearing or using the seat belt then the vehicle should not start so that it will be effected as mandatory for the user of the vehicle.

Seat belt related provision in Motor Vehicle Act 1988:

Section 194B: Use of safety belts and the seating of children:-

(1) Whoever drives a motor vehicle without wearing a safety belt or carries passengers not wearing seat belts shall be punishable with a fine of one thousand rupees: Provided that the State Government, may by notification in the Official Gazette, exclude the application of this sub-section to transport vehicles to carry standing passengers or other specified classes of transport vehicles.

(2) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven with a child who, not having attained the age of fourteen years, is not secured by a safety belt or a child restraint system shall be punishable with a fine of one thousand rupees.

Related Rules--Central Motor Vehicle Rules (CMVR) Provisions:

CMVR 125: Safety belt, collapsible steering column, auto dipper and padded dash boards. — One year from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1993, 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.

The manufacturer of every motor vehicle of M-I category shall equip every motor vehicle with a seat belt for a person occupying the front facing rear seat:

Provided that the specifications of Safety Belt Assemblies and Safety Belt Anchorages in motor vehicles shall conform to AIS: 005-2000 and AIS: 015- 2000 specifications, respectively, as may be amended from time to time, till such time as corresponding Bureau of Indian Standards specifications are notified:

Provided further that on and after 1st October, 2002, the specification of Safety Belt Assemblies and Safety Belt Anchorages in motor vehicles shall conform to AIS: 005-2000 and AIS: 015-2000 specifications, respectively.

[125-A. Safety belt, etc., for construction equipment vehicles. — One year from the date of commencement of the Central Motor Vehicles (Sixth Amendment) Rules, 2000, the manufacturer of every construction equipment vehicle other than an agriculture tractor shall equip every such vehicle with a seat belt for the driver and for the person occupying the front seat, and with a rear view mirror.

CMVR 138: Signals and additional safety measures for motor vehicle:-

(1) The driver of a motor vehicle shall make such signals and on such occasions as are specified in the regulations made under section 118.

(3) In a motor vehicle, in which seat-belts have been provided under sub-rule (1) or sub-rule (1-A) of rule 125 or rule 125-A, 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.

Analysis:

- CMVR 125 mandates manufacturer of every motor vehicle of M-I category to equip every motor vehicle with a seat belt for a person occupying the front facing rear seat. All cars with front facing seats, must have seatbelts. It specifies that seatbelts must conform to the standards set by the Bureau of Indian Standards (BIS) under the Indian Standard IS 15198:2002.
- CMVR 138 (3) mandates the driver to ensure that he/she 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.
- Section 194B of MVA 1988 prescribe fine of one thousand rupees for driving a motor vehicle without wearing a safety belt or carrying passengers not wearing seat belts.

- Law does not allow any exemption from seat belt other than to transport vehicles to carry standing passengers or other specified classes of transport vehicles.
- Driving Regulations also impose a duty on driver to follow seat belt law.
- The law punishes the driver for violation of seat belt requirement, so its responsibility of driver to ensure compliance by passengers.

Motor Vehicles (Driving) Regulations, 2017.

R 5. Duties of drivers and riders.-

- (1) Every driver shall at all times drive the vehicle with due care and caution.
- (2) The driver shall ensure that at the time of driving a vehicle, he is in full control of his physical and mental abilities and physically and mentally fully fit to drive a vehicle.
- (3) The driver shall at all times maintain a good lookout and concentrate on the road and the traffic and avoid any activity which distracts, or is likely to distract, his attention.
- (4) The driver and the riders shall take special care and precautions to ensure the safety of the most vulnerable road users such as pedestrians, cyclists, children, the elderly and the differently abled persons.
- (5) The driver shall ensure that his vehicle, while moving or when stationary, does not cause any hindrance or undue inconvenience to other road users or to the occupants of any properties.
- (6) The driver shall ensure that his view is not obstructed and his hearing is not impaired by passengers, animals, the load, equipment in the vehicle or by the condition of the vehicle.
- (7) The driver shall ensure that he and the other occupants of the vehicle wears seat belts, if provided in the vehicle.**
- (8) The driver shall ensure that a child up to twelve years of age is seated in an appropriate child restraint system, wherever provided.
- (9) Wherever provided by or under the law, the rider of a motor cycle, with or without a side car, and the pillionrider and occupant of the side car shall wear protective head gear (helmet) or such other safety device as specified under any law for the time being in force.

(10) The driver shall ensure that loud music is not played in the vehicle.

(11) The driver shall not watch digital motion pictures or videos while driving, except

Implementation Status:

1. **Central level-** Section of MVA 2019 was notified and made applicable starting from 1st September 2019 by MoRTH.

2. **State Level-**

- State of UP had prescribed fine of Rs. 1000 for not complying with seat belt law as prescribed by MVA 2019. UP also prescribed fine of Rs. 1000 for not complying with seat belt law for children below 14 year of age, as prescribed by MVA 2019.
- State of MP had prescribed fine of Rs. 500 for not complying with seat belt law as prescribed by MVA 2019. MP notification does not mention separately any fine for not complying with seat belt law for children below 14 year of age, as prescribed by MVA 2019.

• Policy GAPS- Seatbelts

- At Central level, there is no clarity in law about seatbelt or child restraint requirement for children below 14 years of age. The section 194 B (2) of the Motor Vehicle Act uses word “seatbelt or child restraint”, so use of either of them can be used to comply with the law. (Its more relate to specifying the condition when child -restraint system must be used instead of seat belts).
- There is no clarity about the conditions/requirements when or for whom seat belt or for whom child restraint is required. Ideally this ambiguity should be addressed by amendment in Act or alternately as a shorter rout the CMVR may be amended to address this, unless there are legally challenged and settled by court of law.
- As state level in state of MP, penalty for not wearing seatbelt is only Rs. 500 against Rs. 1000 provided by MVA 2019.

5.3 Child restraint System (CRS)

Child restraints play a crucial role in enhancing road safety for young passengers, especially infants and children below a certain age and size. They are specifically designed to provide protection and minimize the risk of injury in the event of a road accident. Here are the key roles of child restraints in road safety:



- **Reducing Injury Risk:** Child restraints are designed to securely hold and protect children during a collision. They help distribute the forces of a crash over the strongest parts of a child's body, such as the bones in the pelvis and shoulders, reducing the risk of serious injuries to vulnerable body parts like the head, neck, and abdomen.
- **Protecting Against Ejection:** Child restraints prevent children from being ejected from the vehicle during a crash, which is a significant risk if they are unrestrained or improperly restrained. Ejection from the vehicle dramatically increases the chances of severe injury or death.
- **Preventing Contact with Interior:** In the absence of a child restraint, a child may impact the vehicle's interior, including the dashboard, side windows, or other hard surfaces, in the event of a crash. Child restraints create a protective barrier and reduce the risk of such impacts.
- **Adapting to Child's Size:** Child restraints come in different sizes and configurations, catering to the needs of children at various stages of development. They can be adjusted to accommodate a child's height, weight, and age, providing the best possible protection as the child grows.
- **Compliance with the Law:** Many countries, including India, have introduced child restraint laws that require the use of appropriate child safety seats for young passengers. Compliance with these laws is essential to promote safer transportation of children and reduce the risk of injury in road accidents.

Overall, the use of child restraints is a critical aspect of road safety for children who are more vulnerable passengers, significantly reducing the risk of injury and ensuring a safer travel experience for children. It is essential for parents and caregivers to choose the right child restraint based on the child's age, height, and weight, and to follow the manufacturer's instructions and safety guidelines for correct installation and usage.

Legal provisions related to CRS-

India had introduced child restraint laws as part of the Motor Vehicles (Amendment) Act, 2019, to enhance the safety of children traveling in motor vehicles. The law mandates the use of child restraint systems, such as car seats or booster seats, for children up to a certain age or height.

Section 194B: Use of safety belts and the seating of children:-

(1) Whoever drives a motor vehicle without wearing a safety belt or carries passengers not wearing seat belts shall be punishable with a fine of one thousand rupees: Provided that the State Government, may by notification in the Official Gazette, exclude the application of this sub-section to transport vehicles to carry standing passengers or other specified classes of transport vehicles.

(2) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven with a child who, not having attained the age of fourteen years, is not secured by a safety belt or a **child restraint system** shall be punishable with a fine of one thousand rupees.

IS:15140:2018 is an Indian Standard (IS) issued by the Bureau of Indian Standards (BIS). It is titled "Child Restraint Systems for Use in Motor Vehicles - Safety Requirements and Test Methods." This standard specifies the safety requirements and test methods for child restraint systems used in motor vehicles to ensure the protection and safety of young passengers.

IS:15140:2018 covers various aspects of child restraint systems, including design, construction, materials, performance, and labeling requirements. The standard aims to set guidelines and benchmarks for manufacturers and suppliers of child restraint systems to adhere to in order to provide products that meet minimum safety standards.

“Provided further that, for motor vehicles of category M1 manufactured on and after 01st October 2022, the specifications of Safety Belt Assemblies shall conform to IS:15140:2018, as amended from time to-time.

Provided also that all front facing seats in vehicles of M1 category manufactured on and after 01st October 2022 be provided with three point belt.

Provided further that the installation of Safety Belts, Restraint Systems and Safety belt reminder on vehicles of M1 category manufactured on and after 1st October 2022 shall conform to IS16694:2018 as amended from time-to-time.

Implementation Status

The Ministry of Road Transport and Highways on 11th January 2022, has published the Central Motor Vehicles (Draft Amendment) Rules, 2022 through which it has mandated, seat belts for all M1 category vehicles, i.e., vehicles capable of carrying eight passengers.

Policy Gaps- CRS

Newly added section 194B.(2) of the Motor Vehicles Amendment Act requires all children below the age of 14 to be secured by means of a safety belt (seatbelt) or a child restraint system (CRS) in every motor vehicle.

However, this section does not make any explicit distinction amongst this most vulnerable group. It is important to distinctly point out the age group that will be subjected to the use of child restraints, while also differentiating from the age group that will be subjected to seatbelt use.

Further authority should amend the law that specifically include that below the age of 10 years of child should not be allowed to seat in the front row of the vehicle if any violation of the law then licence of the driver (which include at the time of the driving not the owner) should be cancelled at list 3year otherwise the deterrent effect of the law will not come in the mind of the person.

5.4 Speeding



Speed limits play a crucial role in ensuring road safety. They are set by authorities to regulate and control the maximum speed at which vehicles can travel on specific road segments or in certain areas.

The primary objectives of speed limits are:

- **Accident Prevention:** Speed limits are designed to prevent accidents by reducing the likelihood of collisions. Lower speeds allow drivers more time to react to unexpected situations and hazards on the road.
- **Minimize Severity of Collisions:** When accidents do occur, lower speeds can significantly reduce the severity of the impact, leading to fewer injuries and fatalities.
- **Pedestrian Safety:** Lower speed limits in residential and pedestrian-heavy areas help protect vulnerable road users such as pedestrians and cyclists.
- **Environmentally Friendly:** Reducing speed limits can also have positive effects on the environment by reducing fuel consumption and emissions.
- **Traffic Flow and Congestion:** Properly set speed limits can help maintain a steady traffic flow and reduce congestion, improving overall road efficiency and reducing the risk of accidents due to abrupt speed changes.

To ensure the effectiveness of speed limits for road safety, several factors need to be considered:

- **Engineering:** Proper engineering and design of roads can influence appropriate speed limits based on factors like road type, curvature, visibility, and traffic density.
- **Enforcement:** Strict enforcement of speed limits is essential to encourage compliance and deter drivers from speeding.
- **Education and Awareness:** Public awareness campaigns can help educate drivers about the importance of adhering to speed limits and the risks associated with speeding.
- **Technological Advancements:** Advancements in technology, such as speed-limiting devices in vehicles and automated speed enforcement systems, can aid in enforcing speed limits effectively.
- It's worth mentioning that speed limits may vary depending on the type of road (e.g., urban streets, rural highways, expressways) and can be influenced by local regulations and prevailing road conditions. Adhering to speed limits is not only a legal requirement but also a responsible behavior that contributes to road safety for all road users.

The speed limit legal provisions in India are outlined in the Motor Vehicles Act, 1988, which is the primary legislation governing road transport and motor vehicles in the country.

The Motor Vehicles Act, 1988, does not specify a single universal speed limit for all roads in India. Instead, it empowers the central and state governments to specify speed limits for different categories of roads and vehicles.

State-Specific Limits: Each state in India can set its own speed limits based on road conditions, traffic density, and other relevant factors.

In year 2018, Ministry of Road Transport & Highways, the national authority to decide speed limits under the Motor Vehicle Act, issued the speed limit notification S.O. No. 1522 (E) dated 06.04.2018.

The Government has notified S.O. 1522 (E) dated 6th April, 2018 fixing maximum speed of motor vehicles in kilometres per hour on different categories of roads:-

Legal Provisions related to Speeding:

Section 112- (Motor Vehicle Act) Limits of speed. —

(1) No person shall drive a motor vehicle or cause or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed or below the minimum speed fixed for the vehicle under this Act or by or under any other law for the time being in force:

Provided that such maximum speed shall in no case exceed the maximum fixed for any motor vehicle or class or description of motor vehicles by the Central Government by notification in the Official Gazette.

(2) The State Government or any authority authorised in this behalf by the State Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the Official Gazette, and by causing appropriate traffic signs to be placed or erected under section 116 at suitable places, fix such maximum speed limits or minimum speed limits as it thinks fit for motor vehicles or any specified class or description of motor vehicles or for motor vehicles to which a trailer is attached, either generally or in a particular area or on a particular road or roads:

Provided that no such notification is necessary if any restriction under this section is to remain in force for not more than one month.

(3) Nothing in this section shall apply to any vehicle registered under section 60 while it is being used in the execution of military manoeuvres within the area and during the period specified in the notification under sub-section (1) of section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (5 of 1938).

Penalty for Speeding:

Section 183. Driving at excessive speed, etc. –

(1) Whoever, drives or causes any person who is employed by him or subjects someone under his control to drive] a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable in the following manner, namely:-

-

(i) where such motor vehicle is a light motor vehicle with fine which shall not be less than **one thousand rupees but may extend to two thousand rupees;**

(ii) where such motor vehicle is a **medium goods vehicle or a medium passenger vehicle or a heavy goods vehicle or a heavy passenger vehicle with fine which shall not be less than two thousand rupees,** but may extend to **four thousand rupees;** and

(iii) **for the second or any subsequent offence under this sub-section the driving licence of such driver shall be impounded as per the provisions of the sub-section (4) of section 206.**

(3) No person shall be convicted of an offence punishable under sub-section (1) solely on the evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed which was unlawful, unless that opinion is shown to be based on an estimate obtained by the use of some mechanical or electronic device.

(4) The publication of a time table under which, or the giving of any direction that, any journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for that journey or part of a journey to be completed in the specified time without contravening the speed limits referred to in section 112 be prima facie evidence that the person who published the time table or gave the direction has committed an offence punishable under sub-section (1).

Section 136A. Electronic monitoring and enforcement of road safety.

Electronic monitoring and enforcement of road safety. --(1) The State Government shall ensure electronic monitoring and enforcement of road safety in the manner provided under sub-section (2) on national highways, state highways, roads or in any

urban city within a State which has a population up to such limits as may be prescribed by the Central Government

(2) The Central Government shall make rules for the electronic monitoring and enforcement of road safety including speed cameras, closed-circuit television cameras, speed guns, body wearable cameras and such other technology.

Explanation.--For the purpose of this section the expression "body wearable camera" means a mobile audio and video capture device worn on the body or uniform of a person authorised by the State Government.

Section 137. Power of Central Government to make rules.

The Central Government may make rules to provide for all or any of the following, namely:--

(a) the occasions on which signals shall be made by drivers of motor vehicles and such signals under section 121;

1[(aa) providing for the standards of protective headgear and measures for the safety of children below the age of four years riding under section 129;]

(b) the manner in which the licences and certificates may be produced to the police officer under section 130.

1[(c) providing for limits of urban city by the State Governments under sub-section (1) of section 136A; and

(d) providing for electronic monitoring and enforcement under sub-section (2) of section 136A.

Section 138. Power of State Government to make rules.

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 137.

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:

Provided that in the case of national highways, such rules shall be framed in consultation with the National Highways Authority of India.]

(2) Without prejudice to the generality of the foregoing power, such rules may provide for--

(a) the removal and the safe custody of vehicles including their loads which have broken down or which have been left standing or have been abandoned on roads;

(b) the installation and use of weighing devices;

(c) the maintenance and management of wayside amenities complexes;

(d) the exemption from all or any of the provisions of this Chapter of fire brigade vehicles, ambulances and other special classes or descriptions of vehicle, subject to such conditions as may be prescribed;

(e) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use;

(f) prohibiting the driving downhill of a motor vehicle with the gear disengaged either generally or in a specified place;

(g) prohibiting the taking hold of or mounting of a motor vehicle in motion;

(h) prohibiting the use of foot-paths or pavements by motor vehicles;

(i) generally, the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic; and

(j) any other matter which is to be, or may be, prescribed.

- **Section 21. Powers of licensing authority to disqualify.**—For the purpose of clause (J) of subsection (1) of section 19, the commission of the following acts by holder of a driving licence shall constitute nuisance or danger to the public, namely:—

9) Driving at speed exceeding the specified limit

- **Section 22. Endorsement in driving licence - Endorsement by Courts.**—

A Court convicting a holder of a licence, for any one of the offences specified hereunder, shall endorse or cause to be endorsed in the driving licence, the particulars of such conviction, namely:

(l) Driving at excessive speed (section 183).

(r) Taking part in an unauthorised race or trial of speed, (section 189)

Related Rules:

- **CMVR 118. Speed governor.** – (1) On and from the commencement of this rule, such transport vehicles as may be notified by the State Government in the Official Gazette shall be fitted by the operator of such transport vehicle with a speed governor (speed controlling device) conforming to the Standard A IS : 018, as amended from time to time] in such a manner that the speed governor can be sealed with an official seal of the State Transport Authority or a Regional Transport Authority in such a way that it cannot be removed or tampered with without the seal being broken.

The speed governor of every transport vehicle shall be so set that the vehicle is incapable of being driven at a speed in excess of the maximum preset speed of the vehicle except down an incline.

Rules of the Road Regulations, 1989-

Section 118 of MV Act 1988 :- Driving regulations -- The Central Government may, by notification in the Official Gazette, make regulations for the driving of motor vehicles.

Regulation 16. Speed.-

(1) A driver shall drive only at a speed which allows him control of the vehicle at all times, taking into account the driving conditions, including to the condition of the vehicle and its load, the road, other traffic, visibility and weather.

(2) The vehicle shall, during fog, rainfall, snowfall, storm or desert winds, be driven at a lower speed to enable the driver to stop the vehicle within the range of forward vision.

(3) *A motor vehicle shall not be driven-*

i. at a speed exceeding or less than the maximum or minimum speed limit specified on the signages; and

ii. at a speed exceeding the maximum speed limit notified by the competent authority or authorities for that class of vehicles and for the class of roads on which it is for the time being driven.

(4) No driver shall, without good and sufficient reason, drive so slowly as to impede the normal traffic flow.

(5) No driver shall drive at a speed exceeding twenty-five kilometre per hour or such lower speed as may be specified on the road signage while passing by a construction

site or a school or a hospital, wherever indicated by signage, or on roads without footpaths and soft shoulders where pedestrians use a part of the carriageway to walk.

Section 177A. Penalty for contravention of regulations under section 118.--Whoever contravenes the regulations made under section 118, shall be punishable with fine which shall not be less than five hundred rupees, but may extend to one thousand rupees.

Implementation Status:

MVA 2019 enhanced the penalties for speeding, empowered to impound license and vehicle on second or subsequent violations.

It also inserted a new provision for electronic enforcement of certain traffic violations, including speeding.

MoRTH has issued notification to bring in force the amended provision enhancing penalty for speeding.

The Motor Vehicle Act, 1988, section 112 empowers the centre government to set maximum speed limits for any motor vehicle or class or description of motor vehicles.

The latest speed limit notification was issued in year 2018 replacing the earlier 2014 speed limit notification, which prescribed maximum speed limit of 100 KM for vehicles in India. The 2018 notification increased the speed limit from 100 to 120 KM on access control Express Highways.

There is no change of speed limits after MVA 2019 but MoRTH is in favour of increasing speed limits on expressways.

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 6th April, 2018

S.O. 1522(E).—In exercise of the powers conferred by the proviso to sub-section (1) of section 112 of the Motor Vehicles Act, 1988 (59 of 1988) and in suppression of the notification of the Government of India in the Ministry of Road Transport and Highways published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (ii) vide number S.O.1997(E) dated the 5th August, 2014, excepts as respect things done or omitted to be done before such supersession, Central Government hereby fixes the maximum speed in respect of the class of motor vehicles as specified in the table below-

TABLE

Maximum speed per hour in kilometres on roads in India					
S. No.	Class of Motor Vehicles	Expressway with Access Control	4 lane and above divided carriageway (roads with Median strips/Dividers)	Road within Municipal Limits	Other Roads
(1)	(2)	(3)	(4)	(5)	(6)
1.	Motor vehicles used for carriage of passengers comprising not more than eight seats in addition to the driver's seat (M1 category vehicles)	120	100	70	70
2.	Motor vehicles used for carriage of passengers comprising nine or more seats in addition to the driver's seat (M2 and M3 category Vehicles)	100	90	60	60
3.	More vehicles used for carriage of goods (All N category Vehicles)	80	80	60	60
4.	Motor Cycles	80*	80	60	60
5.	Quadricycle	-	60	50	50
6.	Three wheeled vehicles	-	50	50	50

* If permitted to ply on Expressway.

● Policy Gaps- Speeding

1. Central Level- MoRTH has implemented all provisions related to speeding, **except one where u/s 137 it has power to make rules providing for limits of urban city by the State Governments under sub-section (1) of section 136A.** The speed limit guidelines for states are yet to be issued by MoRTH.
2. The speed limits set are a matter of debate and 2018 speed limit notification is sub-judice before the Supreme Court of India.
3. The MVA under section 112 provides for speed limits for motor vehicles and Section 183 provides for the penalties for violation of speed limits but the Section 183 provides penalties for light, medium and heavy motor vehicles but is silent about other category of vehicles as two-wheelers, three-wheelers, quadricycles, whereas the speed limit notification provides the speed limit for them.

So due to this policy gap in section 183, speeding penalty for two-wheelers, three-wheelers, quadricycles are either not imposed or imposed lighter penalties using other provisions as Section 177 or Section 177 A of the MV Act 1988.

Section 177 of MV Act 1988. General provision for punishment of offences.

Whoever contravenes any provision of this Act or of any rule, regulation or notification made thereunder shall, if no penalty is provided for the offence be punishable for the first offence with fine which may extend to five hundred rupees and for any second or subsequent offence with fine which may extend to one thousand and five hundred rupees.

To provide higher penalties for speed limit violations by two-wheelers, three-wheelers, quadricycles and impounding the driving licence of such driver for subsequent offences, the Section 183 of the Motor Vehicle Act, 1988 need to be amended.

4. The authority should study one more aspect that why the person violating the speed limit. According to me speed of the vehicle always correlate with the traffic of the road. Therefore we have to consider this aspect to fix the speed limits on the roads not according to the category of the road or vehicles. Authority should apply scientific criteria based in road conditions, timings and traffic flow in deciding speed limits.

5. As State Level-

As per section 112 (2) of MV Act 1988, the State Government or any authority authorised in this behalf by the State Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the Official Gazette, and by causing appropriate traffic signs to be placed or erected under section 116 at suitable places, fix such maximum speed limits or minimum speed limits as it thinks fit for motor vehicles or any specified class or description of motor vehicles or for motor vehicles to which a trailer is attached, either generally or in a particular area or on a particular road or roads:

Provided that no such notification is necessary if any restriction under this section is to remain in force for not more than one month.

Though states have issued speed limits mainly in urban areas which are lower than maximum speed limits set by Centre government but still some scientific method of setting speed limits may be suggested and adopted by state governments.

Secondly the state speed limits may be studied and inputs may be shared to revise those based on some scientific speed management guidelines, based on the type of road and traffic conditions.

- **State of MP** under compounding notification issued on 06 March 2023 had prescribed fine of Rs, 1000 for non- transport vehicles and Rs. 3000 for transport vehicles for the first speeding violation as well as for subsequent violations.
- The MVA provides for higher penalties as per the vehicle categories and impounding of DL and Vehicle for second and subsequent speeding violations.
- **State of UP-** under compounding notification issued u/s 200 had prescribed fine of Rs, 2000 for light motor vehicles and Rs. 4000 for medium, heavy and transport vehicles for the first speeding violation and second and subsequent violations are not-compoundable.
- **As per interaction of VOICE team, with Deputy Transport Commissioner , in-charge of road Safety in UP, state have authorised local authorities in each district to set speed limits on local roads and they have set the limits as per local circumstances as per the Motor Vehicle Act. On specific question regarding any criteria or guidelines for setting the speed limit, he told that it is being done as per the MV Act and there is no such written criteria or guidelines to fix speed limits.**

5.5 Drunken Driving (Driving under Influence):

"Drunken driving" refers to the act of operating a motor vehicle while under the influence of alcohol or drugs. In most countries, including India, it is a serious traffic offense and a form of impaired driving. Driving



under the influence (DUI) or driving while intoxicated (DWI) are other terms used to describe the same offense in different regions.

Driving under the influence of alcohol or drugs poses significant risks to the driver, passengers, and other road users. Alcohol and certain drugs can impair a person's judgment, motor skills, reaction time, and overall ability to safely operate a vehicle. This impairment increases the likelihood of accidents, injuries, and fatalities on the road.

To tackle the issue of drunken driving, most countries have strict laws and penalties in place. These penalties can include fines, suspension or revocation of driving licenses, mandatory attendance at alcohol or drug education programs, and even imprisonment in severe cases.

In India, "drunken driving" is a serious offense, and it is governed by the provisions of the Motor Vehicles Act, 1988, and the Central Motor Vehicles Rules, 1989. The specific section related to drunken driving is Section 185 of the Motor Vehicles Act.

Section 185 of the Motor Vehicles Act, 1988, deals with the offense of driving by a person under the influence of alcohol or drugs. According to this section, if a person is found to be driving or attempting to drive a motor vehicle while under the influence of alcohol or drugs, such a person shall be punishable for the first offense with imprisonment for a term that may extend to six months or with a fine that may extend to ten thousand rupees, or with both.

For subsequent offenses of drunken driving, the punishment may include imprisonment for a term that may extend to two years, or with a fine that may extend to fifteen thousand rupees, or with both.

In addition to the penalties mentioned above, the driver's license of the offender may also be suspended or cancelled depending on the seriousness of the offense.

● **Legal Provisions:**

Motor Vehicle Act 1988- Section 185. Driving by a drunken person or by a person under the influence of drugs.

Whoever, while driving, or attempting to drive, a motor vehicle,--

(a) has, in his blood, alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or in any other test including a laboratory test, or

(b) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle.

shall be punishable for the first offence with **imprisonment for a term which may extend to six months, or with fine of ten thousand rupees or with both; and for a second or subsequent offence, with imprisonment for term which may extend to two years, or with fine of fifteen thousand rupees or with both.**

Explanation.-- For the purposes of this section, the expression drug means any intoxicant other than alcohol, natural or synthetic, or any natural material or any salt, or preparation of such substance or material as may be notified by the Central Government under this Act and includes a narcotic drug and psychotropic substance as defined in clause (xiv) and clause (xxiii) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985).

Section 202. Power to arrest without warrant. —

(1) A police officer in uniform may arrest without warrant any person who in his presence commits an offence punishable under section 184 or section 185 or section 197:

Provided that any person so arrested in connection with an offence punishable under section 185 shall, within two hours of his arrest, be subjected to a medical examination referred to in sections 203 and 204 by a registered medical practitioner failing which he shall be released from custody.

Section 203. Breath tests. —

(1) A police officer in uniform or an officer of the Motor Vehicles Department, as may be authorised in this behalf by that Department, may require any person driving or attempting to drive a motor vehicle in a public place to provide one or more specimens of breath for breath test there or nearby, if such police officer or officer has any reasonable cause to suspect him of having committed an offence under section 185:

Provided that requirement for breath test shall be made (unless, it is made) as soon as reasonably practicable after the commission of such offence

(2) If a motor vehicle is involved in an accident in a public place and a police officer in uniform has any reasonable cause to suspect that the person who was driving the motor vehicle at the time of the accident, had alcohol in his blood or that he was driving under the influence of a drug referred to in section 185 he may require the person so driving the motor vehicle, to provide a specimen of his breath for a breath test: —

(a) in the case of a person who is at a hospital as an indoor patient, at the hospital,

(b) in the case of any other person, either at or near the place where the requirement is made, or, if the police officer thinks fit, at a police station specified by the police officer:

Provided that a person shall not be required to provide such a specimen while at a hospital as an indoor patient if the registered medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) If it appears to a police officer in uniform, in consequence of a breath test carried out by him on any person under sub-section (1) or sub-section (2), that the device by means of which the test has been carried out indicates the presence of alcohol in the person's blood, the police officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.

(4) If a person, required by a police officer under sub-section (1) or sub-section (2) to provide a specimen of breath for a breath test, refuses or fails to do so and the police officer has reasonable cause to suspect him of having alcohol in his blood, the police officer may arrest him without warrant except while he is at a hospital as an indoor patient.

(5) A person arrested under this section shall while at a police station, be given an opportunity to provide a specimen of breath for a breath test there. (6) The results of a breath test made in pursuance of the provisions of this section shall be admissible in evidence. Explanation. — For the purposes of this section, "breath test", means a test for the purpose of obtaining an indication of the presence of alcohol in a person's blood carried out, on one or more specimens of breath provided by that person, by means of a device of a type approved by the Central Government, by notification in the Official Gazette, for the purpose of such a test.

Section 204. Laboratory test. —

(1) A person, who has been arrested under section 203 may, while at a police station, be required by a police officer to provide to such registered medical practitioner as may be produced by such police officer, a specimen of his blood for a Laboratory test, —

(a) it appears to the police officer that the device, by means of which breath test was taken in relation to such person, indicates the presence of alcohol in the blood of such person, or

(b) such person, when given the opportunity to submit to a breath test, has refused, omitted or failed to do so: Provided that where the person required to provide such specimen is a female and the registered medical practitioner produced by such police officer is a male medical practitioner, the specimen shall be taken only in the presence of a female, whether a medical practitioner or not.

(2) A person while at a hospital as an indoor patient may be required by a police officer to provide at the hospital a specimen of his blood for a laboratory test: —

(a) if it appears to the police officer that the device by means of which test is carried out in relation to the breath of such person indicates the presence of alcohol in the blood of such person, or

(b) if the person having been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, has refused, omitted or failed to do so and a police officer has reasonable cause to suspect him of having alcohol in his blood:

Provided that a person shall not be required to provide a specimen of his blood for a laboratory test under this sub-section if the registered medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of such specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) The results of a laboratory test made in pursuance of this section shall be admissible in evidence. Explanation. — For the purposes of this section, “laboratory test” means the analysis of a specimen of blood made at a laboratory established, maintained or recognised by the Central Government or a State Government.

Section 205. Presumption of unfitness to drive

In any proceeding for an offence punishable under section 185 if it is proved that the accused, when requested by a police officer at any time so to do, had refused, omitted or failed to consent to the taking of or providing a specimen of his breath for a breath

test or a specimen of his blood for a laboratory test, his refusal, omission or failure may, unless reasonable cause therefor is shown, be presumed to be a circumstance supporting any evidence given on behalf of the prosecution, or rebutting any evidence given on behalf of the defence, with respect to his condition at that time.

- **Section 21. Powers of licensing authority to disqualify.**—For the purpose of clause (J) of subsection (1) of section 19, the commission of the following acts by holder of a driving licence shall constitute nuisance or danger to the public, namely:—

(16) Driving vehicle while under the influence of drink or drugs.

- **Section 22. Endorsement by Courts.**— A Court convicting a holder of a licence, for any one of the offences specified hereunder, shall endorse or cause to be endorsed in the driving licence, the particulars of such conviction, namely:—

(n) Driving while under the influence of drink or drugs (section 185).

- **Implementation Status (Drunken Driving):**

The MVA 2019, section 68 amended section 185 of the MV Act 1988 to add drug driving and increased the penalties for driving under influence. The section was notified by MoRTH on 20 August 2019 and came into force from 1 Sept. 2019.

The violation of Section 185 is not a compoundable offence under section 200 of the MV Act, so no state notification under section 200 is permissible and required.

It is in-force for whole of India since 1 Sept 2019.

Policy Gaps-

- The MVA 2019 brought drug driving also into scope of law (Section 185) but there is no such change in rules, regulations to make that operational.
- There is no policy gaps qua drunken driving. But the enforcement and prescribing lower limits for novice driver may be issues of deliberation.
- The given BAC limit is deemed appropriate by most of stakeholders in India. The main problem with regard to the implementation of the law which can be cure by monitoring liquor shops and the resort rent- bar where the authority should put such device or any other mode to find out who is driving after having drinks.
- In another case the Supreme Court issued directions regarding stopping the grant of licenses for sale of liquor along national and state highways over a distance of 500

metres from the outer edge of the national or state highways or of a service lane along the highway. In the case of areas under the jurisdiction of local bodies with a population of 20,000 people or less, the distance of 500 metres is reduced to 220 metres. The implementation of that can help in reducing drink and driving.

5.6 Penalties:

Penalties play a crucial role in promoting road safety and encouraging responsible driving behavior. The implementation of penalties is intended to deter drivers from engaging in dangerous activities on the road and to hold them accountable for their actions. Here are some key roles that penalties play in road safety:



- **Deterrence:** Penalties act as a deterrent to reckless driving and other traffic violations. The fear of facing fines, license suspensions, or even imprisonment can discourage drivers from taking unnecessary risks and encourage them to follow traffic rules and regulations.
- **Encouraging Compliance:** Penalties help reinforce the importance of following road safety rules. When drivers observe others being penalized for violations, it can motivate them to comply with traffic laws to avoid similar consequences.
- **Reducing Traffic Violations:** The threat of penalties encourages drivers to be more cautious and attentive while driving, leading to a reduction in traffic violations such as speeding, running red lights, and improper lane changes.
- **Promoting Responsible Driving:** By holding drivers accountable for their actions, penalties promote responsible driving behavior. Drivers are more likely to consider the potential consequences of their actions and make safer choices on the road.
- **Protecting Vulnerable Road Users:** Penalties for offenses like driving under the influence of alcohol or drugs, reckless driving, and speeding help protect vulnerable road users, such as pedestrians, cyclists, and other motorists.
- **Preventing Accidents:** When drivers adhere to traffic rules due to the fear of penalties, the overall likelihood of accidents and collisions decreases. This leads to safer roads and reduced injury and fatality rates.
- **Raising Awareness:** High-profile cases involving severe penalties can raise awareness about road safety issues and encourage public discussions on ways to improve safety measures.
- **Generating Revenue:** Fines and penalties collected from traffic violations can be used to fund road safety initiatives, infrastructure improvements, and educational campaigns, further contributing to overall road safety.

It is essential to strike a balance between enforcing penalties and providing education and support for drivers to improve their behavior and reduce the likelihood of repeat offenses. Combining strict enforcement with educational efforts can create a safer road environment for everyone. Additionally, road design, traffic engineering, and public transportation improvements should complement penalties to create a comprehensive road safety strategy.

• **Chapter Xiii Of The Motor Vehicle Act Provides Offences, Penalties And Procedures**

The lot of things have changed for motorists plying on Indian roads. With the Motor Vehicles Act 2019 coming into effect from September 1, the

Enhanced penalties under Motor Vehicles (Amendment) Act – 2019:

Section	Violation	Old Penalty / Provision	New Penalties
177	General violations	Rs 100	Rs 500
New 177A	Rules of road regulation violation	Rs 100	Rs 500
183	Over speeding	Rs 400	Rs 1000 for LMV- Rs 2000 for Medium passenger vehicle
184	Dangerous driving	Rs 1000	Up to Rs 5000
185	Drunken driving	Rs 2000	Rs 10,000
189	Speeding / Racing	Rs 500	Rs 5,000
194 B	without Seat belt	Rs 100	Rs 1000
194 D	Without Helmets	Rs 100	Rs 1000 disqualification for 3 months for licence

206	Power of officers to impound documents		Suspension of driving licences u/s 183, 184, 185, 189, 190, 194C, 194D, 194E
210 B	Offences committed by enforcing authorities		Twice the penalty under the relevant section

- **MVA 2019 inserted a new Section“210A of the Act to empower state governments to specify a multiplier of penalties .**
- **MVA 2019 Section 89.** After section 210 of the principal Act, the following sections shall be inserted, namely: –

“210A. Subject to conditions made by the Central Government, a State Government, shall, by notification in the Official Gazette, specify a multiplier, not less than one and not greater than ten, to be applied to each fine under this Act and such modified fine, shall be in force in such State and different multipliers may be applied to different classes of motor vehicles as may be classified by the State Government for the purpose of this section.

However no state has notified this provision to further increase penalties.

- **The MVA 2019 also inserted a new provision to provide double the penalties for violations by enforcement agencies.**
- **Section 210B.** Any authority that is empowered to enforce the provisions of this Act shall, if such authority commits an offence under this Act, shall be liable for twice the penalty corresponding to that offence under this Act.

However this is not being implemented so far.

- **Not only penalties but the license cancellation of the Voilators is must to keep the repeat offender away from driving and harming others. So the following provisions should be enforced properly.**
- **Section 20. Power of Court to disqualify. –**
- (1) Where a person is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, the Court by which such person is convicted may, subject to the provisions of this Act, in addition to imposing any other punishment authorised by law, declare the persons so convicted to be disqualified, for such period as the Court may specify, from holding any driving licence to drive all classes or description of vehicles, or any

particular class or description of such vehicles, as are specified in such licence: Provided that in respect of an offence punishable under section 183 no such order shall be made for the first or second offence.

- (2) Where a person is convicted of an offence under clause (c) of sub-section (1) of section 132, section 134 or section 185, the Court convicting any person of any such offence shall order the disqualification under sub-section (1), and if the offence is relatable to clause (c) of sub-section(1) of section 132 or section 134, such disqualification shall be for a period of not less than one month, and if the offence is relatable to section 185, such disqualification shall be for a period of not less than six months.
- (3) A Court shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise, order the disqualification of a person – (a) who having been convicted of an offence punishable under section 184 is again convicted of an offence punishable under that section, (b) who is convicted of an offence punishable under section 189, or (c) who is convicted of an offence punishable under section 192: Provided that the period of disqualification shall not exceed, in the case referred to in clause (a), five years, or, in the case referred to in clause (b), two years or, in the case referred to in clause (c), one year.
- (4) A Court ordering the disqualification of a person convicted of an offence punishable under section 184 may direct that such person shall, whether he has previously passed the test of competence to drive as referred to in sub-section (3) of section 9 or not, remain disqualified until he has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.
- (5) The Court to which an appeal would ordinarily lie from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made under that sub-section notwithstanding that no appeal would lie against the conviction as a result of which such order of disqualification was made.

Section 22. Suspension or cancellation of driving licence on conviction. –

- (2) Without prejudice to the provisions of sub-section (3) of section 20 where a person, referred to in sub-section (1) of section 21 is convicted of an offence of causing, by such dangerous driving as is referred to in section 184 of any class or description of motor vehicle the death of, or grievous hurt to, one or more persons, the Court by which such person is convicted may cancel, or suspend for such period as it may think fit, the driving licence held by such person in so far as it relates to that class or description of motor vehicle.

- (3) Without prejudice to the provisions of sub-section (2) of section 20, if a person, having been previously convicted of an offence punishable under section 185 is again convicted of an offence punishable under that section, the Court, making such subsequent conviction, shall, by order, cancel the driving licence held by such person.
- (4) If a driving licence is cancelled or suspended under this section, the Court shall take the driving licence in its custody, endorse the cancellation or, as the case may be, suspension, thereon and send the driving licence so endorsed to the authority by which the licence was issued or last renewed and such authority shall, on receipt of the licence, keep the licence in its safe custody, and in the case of a suspended licence, return the licence to the holder thereof after the expiry of the period of suspension on an application made by him for such return: Provided that no such licence shall be returned unless the holder thereof has, after the expiry of the period of suspension, undergone and passed, to the satisfaction of the licensing authority by which the licence was issued or last renewed, a fresh test of competence to drive referred to in sub-section (3) of section 9 and produced a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8.
- (5) If a licence to drive a particular class or description of motor vehicles is cancelled or suspended under this section, the person holding such a licence shall be debarred from holding, or obtaining, any licence to drive such particular class or description of motor vehicles so long as the cancellation or suspension of the driving licence remains in force.

• **Section 210. Courts to send intimation about conviction**

- Every Court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, shall send intimation to--
 - (a) the licensing authority which issued the driving licence, and
 - (b) the licensing authority by whom the licence was last renewed
- and every such intimation shall state the name and address of the holder of the licence, the licence number, the date of issue and renewal of the same, the nature of the offence, the punishment awarded for the same and such other particulars as may be prescribed.

Section 177A. Penalty for contravention of regulations under section 118.

177A. Penalty for contravention of regulations under section 118.--Whoever contravenes the regulations made under section 118, shall be punishable with fine which shall not be less than five hundred rupees, but may extend to one thousand rupees.

● Electronic Enforcement

Electronic enforcement is crucial aspect for road safety and to ensure unbiased and effective enforcement of traffic laws. The MVA 2019 inserted a new provision in the Act for the same.

Ministry of Road transport and Highways has issued notification G.S.R. 575(E).11th August, 2021- Rule 167A regarding Electronic Monitoring and Enforcement of Road Safety. The rules specify the detailed provisions for placement of electronic enforcement devices (speed camera, closed-circuit television camera, speed gun, body wearable camera, dashboard camera, Automatic Number Plate Recognition (ANPR), weigh in machine (WIM) and any such technology).

State Governments shall ensure that electronic enforcement devices are placed at high-risk and high-density corridors on National Highways and State Highways, and at critical junctions at least in major cities with more than one million population and also including the 132 cities as specified in the table given in the rules. The electronic enforcement device shall be placed in such a manner so as not to cause any obstruction, line-of-sight issues or interruption in traffic flow.

Footage from an electronic enforcement device having electronic stamp for location, date and time, can be used to issue challan for the following offences:-

- (i) not driving within the prescribed speed limit (sections 112 and 183);
- (ii) stopping or parking vehicle at an unauthorised location (section 122);
- (iii) not undertaking Safety measures for drivers and pillion riders (section 128);
- (iv) not wearing protective headgear or helmet (section 129);
- (v) jumping a red light, violating a stop sign, using handheld communications devices while driving, passing or overtaking other vehicles in a manner contrary to law, driving against the authorised flow of traffic, driving in any manner that falls far below what would be expected of a competent and careful driver and where it would be obvious to a competent and careful driver that driving in that manner would be dangerous (section 184);

- (vi) driving vehicle exceeding permissible weight (sub-section (1) of section 194);
- (vii) driving without safety belt (section 194B);
- (viii) contravention of rule 6 (pertaining to lane driving) of the Motor Vehicles (Driving) Regulations, 2017 (section 177A);

Section 200 in The Motor Vehicles Act, 1988

200. Composition of certain offences. —

(1) Any offence whether committed before or after the commencement of this Act punishable under section 177, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (2) of section 183, section 184, section 186, 1[section 189, sub-section (2) of section 190]; section 191, section 192, section 194, section 196, or section 198, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.

(2) Where an offence has been compounded under sub-section (1) the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

(ix) Goods carriage carrying passengers (section 66);

(x) contravention of rule 36 (pertaining to Registration plates) of the Motor Vehicles (Driving) Regulations, 2017 (section 177A);

(xi) driving vehicle with load that extends beyond the sides of body or to the front or to the rear or in height beyond the permissible limit (sub-section (1A) of section 194);

(xii) failure to provide free passage to emergency vehicle (section 194E).

All challans issued under rule 167 in electronic form using auto-generation of challan through the electronic monitoring and enforcement system shall be accompanied by the following information;

(i) clear photographic evidence highlighting the

offence and the license plate of the vehicle;

(ii) measurement from the electronic enforcement device;

(iii) date, time and place of the offence;

(iv) notice specifying the provision of Act that has been violated;

(v) certificate as per sub-section (4) of section 65B of the Indian Evidence Act 1872(1 of 1872), which,-

(a) identifies the electronic record and describes the manner in which it was produced;

Compounding of offences refers to a legal process where the victim and the accused in a criminal case reach a mutual agreement to settle the dispute. In this context, "compounding" means that the victim agrees not to pursue further legal action or prosecution against the accused in exchange for some consideration or compensation.

State Governments are empowered under section 200 of Motor Vehicle act, 1988 to authorise certain officials to compound certain violations under the Act for fines as notified. Violators may be let go by them without prosecution on payment of prescribed fines as on spot settlement.

(b) gives such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer;

Enforcement Issues:

We may have comprehensive law, rules/regulation for implementation thereof but they are just paper tigers unless and until enforced effectively at ground. With deliberate non-enforcement and distorted enforcement of road safety laws, the whole purpose and objective of law and policies may be defeated and vitiated.

The road safety law enforcement in India is affected by various factors such as political will, inadequate resources, corruption, lack of public awareness and laxity of system.

It's a separate subject altogether and may be probed further sometime later.

6-Other important State Level Polices related to Road Safety

- **Road Safety Councils and Committees:**

Section 215. Road Safety Councils and Committees. –

(1) The Central Government may, by notification in the Official Gazette, constitute for the country a National Road Safety Council consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

(2) A State Government may, by notification in the Official Gazette, constitute for the State a State Road Safety Council consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

(3) A State Government may, by notification in the Official Gazette, constitute District Road Safety Committee for each district in the State consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

(4) The Councils and Committees referred to in this section shall discharge such functions relating to the road safety programmes as the Central Government or the State Government, as the case may be, may, having regard to the objects of the Act, specify.

Possible Scope:

States have constituted the councils and committees in their states but there are not much active. We can work to make them fully functional and focused on road safety.

As a road safety organisation, not only we should engage with them but also try to be part of them.

We should look into their constitution, mandate, meeting minutes, number of minimum meetings proposed and actual meeting taking place and issues being discussed.

● Review of State Road Safety Policies and Action Plans:

We should Review of State Road Safety Policies and Action Plans and suggest revisions to strengthen. Delhi Road Safety Policy can be taken up as a model.

Policy being a guiding document may be taken up as an advocacy tool but do not have direct and immediate impact on risk factors and may be long-term process.

First, we can focus on the review of state action plans of targeted states and implementation thereof.

- Road safety Policy –MP: https://home.mp.gov.in/sites/default/files/2018-03/1501766698-MP-Road-Safety-Policy_Gazette_2016-03-03-100_EH.pdf
- Road safety Policy –UP: <https://morth-roadsafety.nic.in//adminis/admin/showimg.aspx?ID=327>

● **Explore scope for state legislation on road safety:**

Road transport being a subject in concurrent list both centre and state can legislate and presently its dealt by the MV Act. The Motor Vehicle Act has specific division of powers between centre and states and it's a central law. States have powers to legislate on road transport and road safety provided the legislation is not contrary to the MV Act.

Some states like Rajasthan already in process to have such state legislations, so with state scoping and consultations it can be explored wherever possible. Rajasthan Road Safety Bill proposes state Road Safety Authority, Dedicated Road Safety Funds, Crash investigation, Road Safety Education etc, as key components to improve road safety in state. These are in addition to Motor vehicle Act provisions.

7- Additional Supporting Policies

We have examples of some additional policies and administrative orders which support effective implementation of road safety laws.

1. No Helmet – No Fuel

In some districts as Kolkata, orders have been issued by local administration to petrol pumps not to provide fuel to two-wheelers if the rider is not wearing a Helmet.

2. Good Samaritan Scheme- Centre and some state governments in India have started schemes to promote Good Samaritans so that more people come forward to help road crash victims and their life may be saved with timely help.

3. National Road Safety Board.--(Section 215B MV Act) The Central Government shall, by notification in the Official Gazette, constitute a National Road Safety Board consisting of a Chairman, such number of representatives from the State Governments, and such other members as it may consider necessary and on such terms and conditions as may be prescribed by the Central Government.....

Central government issued notification to constitute the NRSB but till date it is not constitute.

4. Vehicle Safety- India announced to have Bharat New Vehicle Safety Assessment Program, usually known as the Bharat NCAP. Cars sold in the country will be assigned by star ratings based on their safety performance. This have not taken up shape so far, though some positive steps are being taken to improve vehicle safety in India.

5. Road Engineering Accountability- Large number of road fatalities are due to faulty road design and construction in India. So the MVA 2019 inserted a new clause in Section 198 to fix accountability for failure to comply with standards for road design, construction and maintenance. This section was notified and brought into force from 1 sept 2019 but we have not seen any action in this regard so far.

6. Intervene in legal matters affecting road safety at large:

In India courts have been very supportive and active in road safety issues affecting public at large. The Supreme Court Committee on road safety is a very positive development of such court intervention. The Madras High court Order quashing higher Speed Limits notification, Order to remove liquor shops from highways are such examples. We can utilize such legal avenues and legal

matters for supporting our cause and also for legal advocacy to made executive work as mandated by law.

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