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REGULATIONS AND NEED FOR CHANGE

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INTRODUCTION

- **Global Status Report on Road Safety, 2009 (World Health Organization)** – “Comprehensive and clear legislation, enforced with appropriate penalties and accompanied by public awareness campaigns, has been shown to be a critical factor in reducing road traffic injuries and deaths associated with speed, drink driving, and the non-use of occupant protection measures [helmets, seat belts and child restraints].”
- **234th Report of the Law Commission of India (August, 2009)** – Measures to prevent road accidents may be preventive, precautionary and punitive. There is no denying the fact that there is a need of improved road-watch, surveillance and detection, effective and holistic regulation of all kinds of traffic on the roads and proper deterrence.

THE REGULATORY FRAMEWORK

7th Schedule of the Constitution of India

Union List – Entry 23 → Highways

State List – Entry 13 → Roads and traffic thereon
(other than Union or Concurrent List)

Concurrent List – Entry 35 → Mechanically
propelled vehicles

THE REGULATORY FRAMEWORK

- The Motor Vehicles Act, 1988
- The Indian Penal Code, 1860
- The Central Motor Vehicles Rules 1989
- Rules of the Road Regulations, 1989
- The National Highways Act, 1956
- The Control of National Highways Land and Traffic Act, 2002

THE REGULATORY FRAMEWORK (CONTD.)

MOTOR VEHICLES ACT, 1988

- ✓ Licensing provisions
- ✓ Registration provisions
- ✓ Control of Transport Vehicles
- ✓ Control of Traffic provisions
- ✓ Liability, compensation and claims
- ✓ Offences, penalties and procedure

THE REGULATORY FRAMEWORK (CONTD.)

Rules of the Road Regulations, 1989

1. SHORT TITLE AND COMMENCEMENT
2. KEEP LEFT
3. TURNING TO LEFT AND RIGHT
4. PASSING TO THE RIGHT
5. PASSING TO THE LEFT
6. OVERTAKING PROHIBITED IN CERTAIN CASES
7. OVERTAKING NOT TO BE OBSTRUCTED
8. CAUTION AT ROAD JUNCTION
9. GIVING WAY TO TRAFFIC AT ROAD JUNCTION
10. FIRE SERVICE VEHICLE AND AMBULANCE TO BE GIVEN FREE PASSAGE
11. RIGHT OF WAY
12. TAKING 'U' TURN
13. SIGNALS TO BE GIVEN BY DRIVERS
14. DIRECTION INDICATOR
15. PARKING OF THE VEHICLE
16. VISIBILITY OF LAMPS AND REGISTRATION MARKS
17. ONE WAY TRAFFIC
18. DRIVING ON CHANNELISED ROADS (LANE TRAFFIC)
19. STOP SIGN ON ROAD SURFACE
20. TOWING
21. USE OF HORNS AND SILENCE ZONES
22. TRAFFIC SIGNS AND TRAFFIC POLICE
23. DISTANCE FROM VEHICLES IN FRONT
24. ABRUPT BRAKE
25. VEHICLES TO THE UPHILL TO BE GIVEN PRECEDENCE
26. OBSTRUCTION OF DRIVER
27. SPEED TO BE RESTRICTED
28. DRIVING OF TRACTORS AND GOODS VEHICLES
29. PROJECTION OF LOADS
30. RESTRICTION TO CARRIAGE OF DANGEROUS SUBSTANCES
31. RESTRICTION ON DRIVING BACKWARDS
32. PRODUCTION OF DOCUMENTS

CRITICAL ISSUES

- The Driving Licence regime
- Pedestrian rights
- Road signage and Laning
- Highway / Expressway issues
- Emergency services rights
- All India Standardization

LICENSING REGIME

- Chapter II – Motor Vehicles Act, 1988:
Sections 3-28
- Section 19-22 → Power to disqualify, suspend,
cancel
- Section 24 → Endorsement
- Section 12 → Driving Schools

LICENSING REGIME (CONTD.)

- Revolutionize - **Licensing Regime**
- **Standard Tests and Training**
- **Black Marking or Point System**
- **Licence Strictures** – effective deterrent

PEDESTRIANS' RIGHTS

- **Pedestrians** - at least **1/5th** of all road users in India
- But they comprise **53%** of road accident fatalities!
- **90%** of all pedestrians **feel unsafe** on the road
- CRRI Survey
- Rule 11 of the Rules of the Road Regulations, 1989 –
Pedestrians have Right of Way at uncontrolled pedestrian crossings. When any road is provided with footpath or cycle tracks specially for other traffic, except with permission of a police officer in uniform, a driver shall not drive on such footpath or track.

ROAD SIGNAGE AND LANING

- **Road signage**

- **Mandatory Signs** – Schedule I – Motor Vehicles Act, 1988
 - **Schedule I** – Indian Road Congress updated Road Signs in 2001
- **Duty to obey road signs** – Section 119, Motor Vehicles Act, 1988
- **Lack of proper road signage** – Negligence of the State

ROAD SIGNAGE AND LANING (CONTD.)

LANING

- Huge gap in the law relating to lane markings
- Lane driving → **Discipline on the road**
- **Rule 18 of the Rules of the Road Regulations:**
“Where any road is marked by lanes for movement of traffic, the driver of a motor vehicle shall drive within the lane and change the lane only after giving proper signal”
- **All India Laning Standardization – Need of the Hour**

EMERGENCY SERVICES

- **Rule 10 of the Rules of the Road Regulations:**
“Every driver shall on the approach of a fire service vehicle or of an ambulance allow free passage by drawing to the side of the road”
- **Non-compliance penalty** – A mere Rs. 100!
- **Movement of Emergency Services** – Special penalties and rules

ALL INDIA STANDARDIZATION

“NEED FOR COMPREHENSIVE CENTRAL
LEGISLATION ON ROAD TRAFFIC” –
Recommendation of the *234th Report of the Law
Commission of India, 2009*

PENDING LEGISLATIONS

- ❖ Amendment to Motor Vehicles Act
- ❖ National Road Safety and Traffic Management Board Bill

C.W.G. LANES- INTERESTING FACTS

- CWG Lanes **Total Length** → **210 km** of road length
- **Dedicated Lanes** were demarcated on certain roads by yellow lines and blue bands with mnemonic of CWG and acronym CWG both written in white colour
- **Statutory** powers under Section 115, 118 of the Motor Vehicles Act, 1988 were used
- **Fine = Rs 2000/-** and **vehicle impounding** empowered by Sec 144 CrPC and Sec 188 IPC.

C.W.G. LANES - INTERESTING FACTS (CONTD.)

- As of 14th October more than **2300 people fined** and **29 vehicles impounded** for violating regulations pertaining to CWG lanes.
- The Lanes were operational till **17th October**.
- Delhi Police faced **opposition and criticism** for imposing **penal provisions** and making it a **criminal offence** for violation.

Initiatives to increase Penalty for Traffic Violations

- **Ahmedabad** → The city police moves the Gujarat High Court to increase penalty for Traffic Offences. People paid **Rs 6.57 crore as penalty last year.**
- **Pune** → The State Government's **decision to hike the fines** for violation of traffic rules **three-fold** is expected to act as a severe deterrent for unruly motorists. The principle behind it being ***“if the quantum of punishment is correct, it does have the desired effect”***

ENFORCEMENT AND DETERRENCE

- In *Dalbir Singh*, the Supreme Court has observed:

“A professional driver pedals the accelerator of the automobile almost through out his working hours. He must constantly inform himself that he cannot afford to have a single moment of laxity or inattentiveness when his leg is on the pedal of a vehicle in motion. He cannot and should not take a chance thinking that rash driving need not necessarily cause any accident; or even if any accident occurs, it need not necessarily result in the death of any human being; or even if such death ensues, he might not be convicted of the offence; and lastly, that even if he is convicted, he would be dealt with leniently by the Court. He must always keep in his mind the fear psyche that if he is convicted of the offence of causing death of a human being due to his callous driving, he cannot escape from a jail sentence. One of the most effective ways of keeping such drivers under mental vigil is to maintain a deterrent element in the sentencing sphere.”

CONCLUSIONS

- ✓ **Legislate** – Cohesive and Standardized Regulation
- ✓ **Educate** – Awareness and Training
- ✓ **Enforce** – Effective deterrents

Thank you!

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