



Provisions of Law for Safety of All Road Users

Accident Prevention: Road Safety Measures

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Anish Dayal

CONTENTS OF THE PRESENTATION

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INTRODUCTION

- Road safety laws
 - Personal and social importance
 - Social welfare legislation
- Road safety
 - Increasing volumes of traffic
 - Duty of both government and citizens both

INTRODUCTION (CONTD.)

SOME KEY STATISTICS

- Total length of road networks in India – 3.314 million kms
- Registered vehicles in India – 72.71 Million [2003–04]
- Passenger car and taxies deaths –15% of total
- Pedestrians and cyclists deaths – 17% of total
- Others and unspecified deaths – 40% of total
- Road accidents in 1999–00 cost India about 3% of its GDP
- India's percentage in road injury = 5.4% of the world total
- India and China top the list of most number of fatal

INTRODUCTION (CONTD.)

- *“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].”* Global Status Report on Road Safety, 2009 (World Health Organization)
- *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. – 234th* Report of the Law Commission of India (August, 2009)

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.)

INDIAN PENAL CODE

- Section 279: Rash driving or riding on a public way
- Section 304A: Causing death by negligence
- Section 336: Act endangering life or personal safety of others
- Section 337: Causing hurt by act endangering life or personal safety of others
- Section 338: Causing grievous hurt by act endangering life or personal safety of others

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 licensing regime
- Pedestrian rights
- Road signage and laning
- Highway / expressway strictures.
- 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 the licensing regime
- Standard tests and training
- Black marking or point system
- Licence strictures are 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 –
The pedestrians have the 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 in Schedule I of the Motor Vehicles Act, 1988
- Schedule I – updated 1989, though the Indian Road Congress has 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 standardization necessary for laning

HIGHWAY/EXPRESSWAY STRUCTURES

- Highway Network in India – 65,596 kms
- 2% of total road length : 40% of total traffic
- Specific and stricter safety norms for highways may be necessary
- Coordination between the highway management authority and the local police is necessary
- Minimum speed limit – Section 112, Motor Vehicles Act, 1988

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!
- Special penalties and rules for movement of emergency services necessary

ALL INDIA STANDARDIZATION

- Need for comprehensive central legislation on road traffic
 - Recommendation of the 234th Report of the Law Commission of India, 2009

GLOBAL SAFETY STANDARDS (WHO REPORT 2009)

	India	Sri Lanka	Pakistan	UK	USA	Italy	Indonesia
Drunken Driving	3	6	4	No consensus	N/A	7	No law
Helmet Laws	2	7	4	No consensus	N/A	7	7
Seat Belts	2	No law	3	No consensus	N/A	7	7
Road Fatalities (2006)	105725	2334	5565	3298	42642	5669	16548
Pedestrian deaths	13%	33%	N/A	21%	11%	13%	15%
Other User deaths	40%	N/A	N/A	1%	4%	6%	4%

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

- Complete overhaul of the licensing regime
- Strict penalties for violating the right of a pedestrian
- Introduction of detailed laning provisions and spreading awareness of the same
- Strict penalties for highway and expressway misuse and violations
- Strict penalties for emergency vehicles obstruction
- Standardization of rules on an all-India basis
- Increase of enforcement and deterrence

Thank you!

anish.dayal@gmail.com