

CUTS Submission of Oral Evidence on Motor Vehicle (Amendment) Bill 2016
To
Parliamentary Standing Committee on Transport, Tourism and Culture

S. No.	Topic	Existing Provision	Proposed Changes under the MVA Amendment Bill	Suggested changes
1.	Strengthening the licensing system	Section 9 (3) no competence test shall be necessary for an applicant where the applicant produces proof to show that the applicant has previously held a driving licence.	No change in Section 9(3) second <i>provisio</i> .	We agree, we suggest adding a mandatory test of competence at the licensing centre for existing license holders can be added.
	Strengthening the licensing system	Section 12 confers upon the Central Government the power to make rules for the licensing of driving schools by the State Government for imparting instruction in driving motor vehicle	Sub-section 5 added in Section 12, which is a non-obstante clause, on successful completion a training module at such school or establishment covering a particular type of motor vehicle shall be eligible to obtain a driving licence for such type of motor vehicle.	We agree, however we suggest prescribe for standard minimum period for basic training ¹ <ul style="list-style-type: none"> • regulation of training fee and license fees while making guidelines
2.	Scientific investigation of road crashes	Section 135 empowers the State Government to frame scheme for in depth study of motor vehicle accident way-side amenities, traffic and posts and truck parking complexes	Section 135 The Bill seeks to transfers the power from State to the Central government which affects the legislative powers of the state in this regard	We disagree to the shift in the power, we suggest: <ul style="list-style-type: none"> • retaining power and procedure of collection and scientific data will be more practicable, • supervisory role to the Central Government for maintaining a national registry may harmonise the distribution of

¹ For example US, inter alia, has a six-month graduated licence programme.

				<p>power among governments</p> <ul style="list-style-type: none"> • national trauma registry
3.	Accountability for faulty road designs	No provision to effect under MV Act,1988	No proposed amendment	<ul style="list-style-type: none"> • provision to fix liability of road engineers and contractors • inserting a section on safe road design engineering and construction standards
4.	Inclusion of specific traffic calming strategies in National Transportation Policy	Without prejudice to generality of issue, sub-section 2 of S. 137, empowers the State Government to make rules in relation to enlisted subject therein.	Sub-section 1A added empowering the State Government to make rules to regulate non-motorised traffic	<ul style="list-style-type: none"> • formulate a regular calendar of identification and rectification of black spots • monitoring mechanism on National and State highways
5.	Protection of children during commute	Section 129 empowers the State Government to prescribe protective headgear to be worn by the drivers or pillion riders.	Substitutes with new section, making it mandatory for a person above 4 years to wear protective headgear of standard prescribed by central government.	<p>We disagree, exemption be replaced with a provision issuing guidelines for safety measures to be followed while commuting with child below 4 years of age</p> <p>The language is ambiguous with respect to making child restraint mandatory</p>
6.	Blood Alcohol content regulation for new drivers	Section 185- BAC level is set at 30 mg. per 100 ml. of blood ²	Section 185- no change as to BAC level	<ul style="list-style-type: none"> • BAC levels for novice or young drives should be reduced to 20 mg per 100 ml in order to meet WHO best practices. • Random stops for testing sobriety and post-crash testing for alcohol

² Section 128, The Motor Vehicles Act, 1988

				or for breaches of other traffic offenses should be made mandatory.
7.	Limit on Insurer's liability in third party motor accidents	u/Section 147(2)(a) the insurer has to cover the liability incurred in respect of any accident to the extent of actual amount of liability incurred	Substitution of Section 147(2) read with S 164 (1), proviso to new section states that such liability fixed by the Central Government <i>shall not exceed</i> Rs. 10 lakhs in respect of death, and Rs.5 lakhs in respect of bodily injury.	We disagree, the provision should be omitted, for following reasons:- <ul style="list-style-type: none"> • “Not exceeding” implies that it can be even lesser than Rs.10 lakhs and Rs.5 lakhs. • Numerous factors such as medical expenses, loss of income, disability, expenses for future treatment, etc., ignored this will affect the social welfare intent of compulsory third party insurance. • If the Tribunal grants a higher compensation it will have to borne by vehicle owner, thus leaving no effective remedy for the vehicle owner. • Affordability of obtaining vehicle insurance will be affected
8.	Rationalization of penalties for life threatening offences	Chapter XIII	Chapter XIII	<ul style="list-style-type: none"> • the amount of penalties be made part of guidelines rather than the provision under the Act, it will provide flexibility of further amendment in due course of time.
ADDITIONAL SUBMISSIONS				
9.	Motor Vehicle Accident Fund	No provision to effect	Section 164 B seeks to create the Motor Vehicle Accident Fund, which will compulsorily cover all road users.	We agree, however, imposition of additional cess for the same is taxing for citizens

<p>10.</p>	<p>Grant of stage carriage permit</p>	<p>There is no proviso to sub-section (2) of section 72</p>	<p>The proposed proviso to sub-section (2) of section 72 allows the State Governments to waive any condition for a stage carriage permit operating in a rural area. These conditions also include the maximum load or the maximum number of passengers that may be carried on a stage carriage.</p>	<p>We agree for flexible framework, but the provision diluting road safety. Waiving of any conditions prescribed in Section 72 could result in overloading of stage carriages with passengers and/or goods, directly affecting the safety of road users in rural areas, thus proviso should be omitted.</p>
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