

**Meeting of  
'Parliamentarians' Forum on Economic Policy issues  
(PARFORE)'**

**On**

**Motor Vehicle (Amendment) Bill, 2016**

**New Delhi, November 16, 2016**



**CUTS**   
International

## Introduction

CUTS has been working in the area of Road Safety for more than two decades through a number of awareness programmes and campaigns. CUTS study on road safety in 1990 became the basis for the National Road Safety Policy in 1993, seeking to reduce the death level from road accidents. CUTS was also associated in drafting and providing inputs in the first ever road safety policy of the country. It has been conducting Road Safety Campaigns since 2002 in partnership with the Ministry of Road, Transport and Highways, Government of India. Simultaneously, CUTS has also partnered with FIA foundation in 'Make the Road Safe Campaign'.

Pradeep S Mehta, Secretary General, CUTS has been associated with the National Road Safety Council as a member during 2009-2013 and an Adviser thereafter till date. Mehta was heading one of working committees of the Council on Education in 2011 and his contributions to this were praiseworthy.

In recent past, CUTS in partnership with Lund University, Department of Technology and Society, Sweden and with the support of Swedish International Development Agency (SIDA), New Delhi implemented project on 'Traffic Calming Strategies to Improve Pedestrian Safety in India' and examined shortcomings and causes that make sites accident-prone and then developing and testing holistic traffic calming strategies suggesting remedial road designs.

In this backdrop, CUTS conceived and designed the Road Safety Advocacy (RoSA) Project in partnership with Global Road Safety Partnership (GRSP). The objective was to build a strong base for urgent enactment of Motor Vehicle (Amendment) Bill 2016 in India to address the burning issues related to road safety and concerns of common road users through strong advocacy and civic awareness. Recognising the enormity of road accidents and related issues in India, the project aims to build consensus to create an enabling environment for early enactment of Motor Vehicle (Amendment) Bill 2016 by advocating with parliamentarians/policymakers at the Central and State level.

To achieve the target, the project is striving for to advocate with parliamentarians (*Lok Sabha* and *Rajya Sabha*) for their support to the Bill during debate and voting in their respective houses. The project desires to solicit support of consumer/other relevant organisations working on road safety, road transport authorities, traffic police, concerned citizens and media for being part of advocacy for passage of the said Bill. The project also focusses on creating awareness about the dire need for the Bill and its key highlights among all stakeholders/common public, which will further enhance the need for its speedy enactment without weakening the envisaged regulatory provisions of it.

## About PARFORE

Parliamentarians' Forum on Economic Policy Issues (PARFORE), an initiative of CUTS International was conceived as non-partisan and informal forum where Members of Parliament are able to air their views on a periodic basis on the core economic policy issues in the field of trade, competition, regulatory reforms, investment and their cross linkages.

With a view to engage in deliberation with Parliamentarians, in the year 2005 CUTS



formed a platform for the parliamentarians, popularly known as PARFORE with five Parliamentarians. The PARFORE is a non-partisan informal forum where MPs are able to air their views on trade, regulation, competition, governance and economic issues. PARFORE complements the efforts of CUTS towards good governance as it

offers a platform for not only airing the divergent viewpoints but also a closer and constructive interaction among Parliamentarians across party lines.

To initiate an independent, coherent and dispassionate discussion on the proposed amendments in the ensuring Motor Vehicles (Amendment), 2016, CUTS organised a roundtable discussion with Parliamentarians at New Delhi on November 16, 2016. The meeting was attended by eight MPs namely, Rangasayee Ramakrishna, Jose K Mani, Harish Chandra Meena, Dinesh Trivedi, La Ganesan, N K Premchandran, P Bhattacharya and Tiruchi Siva representing six major political parties and G K Pillai, Member, Board of Trustees, Save Life Foundation and former Home Secretary, Government of India.

## Proceedings

### Introductory Session

**George Cheriyan**, Director, CUTS commenced the meeting extending a warm welcome to participants. He briefed participants about CUTS and its various interventions in the field of sustainable mobility. He showed the gross statistics of road crashes that nearly 1.46 million people die in road accidents which are 1,682 times more than the number of people die in terrorist attacks/epidemic. He apprised the panel that approximately 1357 accidents and 400 road deaths take place every day on Indian roads and number of death toll



is increasing every year. What is appalling is that there has been 2.5 percent increase in road accidents but its severity has increased by 4.6 percent, he said. Realising this, the government had introduced the Road Safety and Transport Bill, 2014 but the same was withdrawn and lapsed. Understanding the requirement of legislative changes in road safety, the government has proposed amendments to the Motor Vehicles Act, 1988, focussing on road safety aspect amongst other amendments in relation to regulation and transportation. After consultations and consolidation, total 89 amendments have been suggested.

He informed the panel that presently the Bill is before the Parliamentary Standing Committee (PSC) which sought suggestions and comments from all stakeholders and conducted extensive oral exchanges with them. In line of which, CUTS got an opportunity to present its suggestions before the PSC for strengthening the Bill. While the report of the PSC on the Bill is still pending till date, CUTS is hopeful that the Bill might be considered for tabling in the upcoming Winter Session of Parliament, he stated.

Keeping the interest of common road used in mind, CUTS welcomes the Motor Vehicles (Amendment) Bill, 2016, as no major amendment has been made to the Act of 1988 in relation to Road Safety for the last 28 years. The Motor Vehicles (Amendment) Bill, 2016 is a significant step in the direction of Road Safety. The Motor Vehicles Act, 1988 is regulatory in nature, but 25-30 percent of the Act is dedicated to road safety aspects. Cherian highlighted few noteworthy sections of the Bill that seek to ensure road safety, but expressed concern on certain provisions, such as limiting insurance liability, lack of provision on child safety, lack of scientific data collection and faulty road designs.

The stringent penalties proposed for various traffic violations and offences are noteworthy and CUTS welcome the move, but certain provisions as aforementioned need to be strengthened further, he stated. He suggested that since penalties have been revised, licencing system also needs to be strengthened as a preventive measure to ensure road safety. He emphasised on the need of competence test, reviewing training and regular health check-ups of transporters and drivers etc. He advocated for a mechanism on scientific collection of data and mechanism for holding road authorities: engineers and contractors, responsible and accountable for faulty road designs and provision on child safety.

Summarising CUTS viewpoint on the Bill, he extended greetings to Parliamentarians present in the meeting and requested G K Pillai who is a forerunner in the movement for road safety for his presentation on the key proposed amendments in the Motor Vehicles (Amendment) Bill, 2016 and suggestions for further firming up of the Bill.



**G K Pillai** made a succinct presentation on the proposed amendments and elaborated on areas for further improvement. He stated that Road safety is almost a one generation process to demonstration impact of Road Safety. He brought to light the fact that, India is a global leader in road fatalities and kills more people in India in road accidents than in terrorism or any natural disasters. He pointed out that there is loss of Rs. 4 Lakh Crore to economy per year due to road fatalities and accidents. It is a sorry state of affairs that despite India's commitment to reduce the number of road accident fatality by fifty per cent by year 2020 in conformation to Brasilia declaration, the road fatalities show an increasing trend, he cited.

He appreciated the key provisions of the Bill, such as electronic monitoring, community services, violations by juveniles, promoting R&D in innovative and driver-less technology. He presented section-wise amendments and elaborated on areas for further fine-tuning. Applauding electronic monitoring, liability and penalty for juveniles and enforcement, Pillai cited example of city of Hyderabad and Karnataka, where roads are under electronic surveillance and constantly video graphed, without any human intervention. He pointed out Karnataka collected a whopping Rs. 80,000 crore fine as facilitated by electronic monitoring and surveillance.

Elucidating further on Section 138 of Motor Vehicles (Amendment) Bill, 2016, he said that section vaguely talks on safety of pedestrian and non-motorised vehicles, which forms vulnerable group in road accident fatalities. Speaking on exemplary penalties, he said, it is not money which is important but revocation of driving license will be a more deterrent step. To ensure road safety he made following suggestions: a) scientific collection of road crashes, for which a uniform performa with checklist can be made for statistically viable data looking into both: faulty and no fault factors; b) bad road design and proper safety audits should ensure good road infrastructure; c) education and awareness are key measures to ensure road safety with special focus on future generation.

He made an innovative suggestion that violators should be made to sit in trauma centres for an hour to understand the gravity of road accidents and violations under punishment of community service. Pillai referred to the Public Interest Litigation filed on behalf of Safe life Foundation on protection of Good Samaritans where Supreme Court has passed a judgment to save Good Samaritans from legal hassles, which has been brought to focus in the Motor Vehicles (Amendment) Bill, 2016. The Hon'ble Supreme Court's judgment, *inter alia*, states that a Good Samaritan can be called to police station only once. In furtherance of the judgment, many states, such as Maharashtra, West Bengal and Tripura have passed Good Samaritans Act, but it would be better in terms of uniformity and implementation if judgment forms part of rules/guidelines under the Central Motor Vehicles Act itself. He concluded by



emphasising on the importance of education and awareness of people especially at school level for an effective implementation of provisions of the law on road safety.

### **Responses from the Floor**

After the introductory session, floor was opened for discussion, where participating MPs shared their valuable opinions on the Motor Vehicles (Amendment) Bill, 2016. Parliamentarians discussed various aspects of road safety, proposed amendments and suggested for improvements in driver licencing system and provisions for effective electronic enforcement etc. Parliamentarians strongly put forth the need for scientific investigation of road crashes and omitting the limit on insurer's liability in third party motor accidents in the Motor Vehicles (Amendment) Bill, 2016.

**Jose K. Mani**, MP, Lok Sabha brought to light the need of road safety measures on district and village roads. He said that the provision of speed governing system shall be made compulsory since most of the road accidents happen because of speeding on National Highways and expressways. He put a question before the panel on what kind of accountability for road authorities should be imposed in terms of penalty. He stressed upon the infrastructural challenges of road designs, such as lack of service roads due to insufficiency of land, technological challenges and overall need for improvement.



He suggested that metal or rubber crash guard should be installed at accident prone zones. Elaborating on provisions of Good Samaritans, he stated that immediate steps should be taken for education and campaigning especially dedicated to road safety. He pointed out that logistically it is not possible for a person to report to a police station even once in road accident cases on highways. Therefore, uniform guidelines on Good Samaritans needs to be framed addressing these kind of issues.



**Harish Chandra Meena**, MP, Lok Sabha and a member of Parliamentary Standing Committee on Transport and former DGP of Rajasthan said that before pondering on the question of road safety, there is a need to define who the road user is and what are road uses especially, Indian road user scenario is unique and requires attention. He said that before thinking about road safety, there is a need to define the road user since on road we can see all the marriage processions, demonstrations, kiosks, *dhabas*, domestic animals and bullock carts, so who's safety we are looking for?"

Rajasthan alone contributes to 10,000 road deaths every year, he cited. He also spoke about the designs of roads being such that it divides the village in two parts, so all the time people keep crossing the road by which road safety is affected, he stated

while reflecting on the Jaipur-Delhi Express Highway which has failed to provide time efficiency to the road user, despite being a six-way lane. Expounding on road engineering aspect, he called for an all-inclusive road safety engineering including, road engineers, safety engineers, NHAI, contracting party and other stakeholders. He stressed on all-inclusive approach through convergence of inputs from all stakeholders in safe road engineering starting from planning to execution.

Parking on roads should be restricted. With regard to stringent penalties he said that traffic fines can be increased but raising fine alone cannot solve the problem of road accidents. He also emphasised on education and awareness on road safety right at level of schools and homes. He also stressed on improving granting of licence system by unifying multiple licencing authorities that will curb holding of multiple licences.

**P Bhattacharya** MP, Rajya Sabha, shared his own experience of a road accident and suggested having adequate trauma care/mobile trauma centres with well-equipped ambulances and trained staff, especially for National and State Highways to provide speedy medical assistance during golden hour. While underlining the golden hour, he added that he is alive because of timely and good medical assistance he received when he met with an accident. He unequivocally supported the campaign on road safety awareness and education.



**N K Premchandran**, MP, Lok Sabha, remarked that the Amendment Bill, 2016 is not alone sufficient to solve road safety issues in the country. He underlined the need to control vehicular population on road like in developed countries, where passenger transport systems are well developed to reduce individual vehicle ownership. He stated that drunken driving provisions proposed in the Bill is not sufficient and two-wheeler driving should be controlled. He spoke in favour of safe road design by incorporation of a Safety Audit Mechanism for a period of time.

**Rangasayee Ramakrishna** MP, Rajya Sabha and a member of Parliamentary Standing Committee on Transport, applauded CUTS for its advocacy programme for better road safety. He said that there have been untiring efforts in the direction of road safety since 2014 which are finally getting shaped in the extant Bill, 2016. He said that parameters of road safety are different in Urban and Highways Road Transport. In the former, there is a combination of other issues, such as different road uses, vehicular population, passenger transport



system, traffic management etc. In highways road transport, issues of technical monitoring, speed management, lack of manpower to regulate are key issues. There should be some provisions for safety of bus and public transport passengers. He spoke in support of enhanced penalties, as the extant penalty limits are out-dated.



**Dinesh Trivedi**, MP Lok Sabha and former Railway Minister opined that Indian road scenario is very scary, so there must be some deterrence and at the same time there has to be introduction of new technology and strict monitoring of the traffic violations like air traffic control, then only Indian roads can be made safer. He said that no thought on having deterrent, licence and insurance linked to driving, and procedure on driver licence issuing has been given in the Bill. Achieving 50 percent reduction by 2020 is a nice slogan but we need to reform man, machine and system. Therefore, when such improved measures

will be in place then only Indian roads can be made safer. He also added that the proposed Bill does not give much hope.

**La Ganesan**, MP, Rajya Sabha, drew attention of the panel for road safety aspect in rural areas and vulnerable groups, especially pedestrian safety. He cited an example of poor roads in Kerala and said RTOs hardly bothered while issuing licence and vehicle permit if applicants know proper driving. Commercial vehicle drivers are holding multiple driving licences, which should be checked and strict punishment should be given for serious traffic laws violations. Recognising efforts of CUTS, he extended his support to the cause and suggested to encourage role of civil societies in education and awareness of common road users.



**Tiruchi Siva**, MP, Rajya Sabha, made brief suggestions on advanced road designs and suggested that motor vehicles should not be sold or purchased without proper vehicle safety. He also suggested for car testing on stimulators at testing centres as a quality check mechanism. He said that first focus should be on top five states with highest road deaths. He further reiterated the need of developing civil sense and good road user behaviour from very school level.



Extending the discussion, **Nalin Sinha**, key partner, GRSP opined that best practices around the world should be analysed from Indian perspective and then adopted. He stated that successful countries, such as Sweden have overcome five risk factors, viz., overspending, seat-belts, child safety belts, motorcycle helmets, drunk driving, which are essential aspects of road safety. He quoted that as per 2015 census, 22 percent people walk to their work, 10 percent use cycle and 90 percent use intermitted public transport. Thus, India needs enhanced public transport and road safety guidelines.



In response to a question put forth by Ramakrishana on what safety measures are required for public transportation, Nalin responded that however, there are bus design/other guidelines issued by the Ministry of Urban Development and Indian Road Congress respectively, but these are not enforceable,. Adding further to response, Pillai stated that there is also need to control vehicular population and stop parking of vehicles on roads.

**Ashim Sanyal**, representing VOICE advocated for a consolidation of regulations, legislation, education and enforcement in the direction of road safety. He emphasised on strengthening the enforcement mechanism. He stated that amendments to the Motor Vehicles Act alone cannot sufficiently resolve road safety issues in India. In response to Ramakrishnan's question on requirement of manpower for execution of road safety laws, he suggested for providing manpower dedicated to road safety rather than to be borrowed.

## Summary and Vote of Thanks



**Madhu Sudan Sharma**, Senior Project Coordinator, CUTS summarised the discussions and delivered the vote of thanks to all Parliamentarians. He stated that the importance of the Bill is evident from the active participation of honourable MPs in such forums. The Bill addresses various crucial safety elements and risk factors, which are globally recognised and should further

be strengthened. He also extended sincere thanks to G K Pillai for his scintillating opening remarks and other GRSP partners for their benign presence and suggestions on intricate issues of road safety. He further emphasised on the need for speedy passage of the Bill and campaigning for education and awareness.

## **Recommendations**

There was a consensus that keeping in mind the fact that over 13 lakh people have been died in road accidents in India in the past decade, the Bill with key provisions need to be passed with strong measures. The Bill, introduced in the Parliament on August 09, 2016, by Union Transport Minister Nitin Gadkari, ambitiously aims to fill gaps in the road safety legal framework in the country by amending the much older Motor Vehicles Act, 1988.

Key recommendations arising out of the discussion meeting can be summarised as follows:

- Effective and timely passage of the Motor Vehicle (Amendment) Bill, 2016
- Scientific collection of data, poor road design and accountability, increased penalties, limited insurance, enhanced public transportation, control of vehicular population must be adequately deliberated upon
- Expansion of enforcement mechanism for road safety law and enhanced campaign for education and awareness through integrated efforts by all stakeholders of road safety

## **Highlights**

- Remarkable participation of eight MPs from six major political parties of India
- Vibrant discussions on the Bill

## **Lowligh**

- The extended session of Rajya Sabha and strategic meetings called by various political parties affected the participation of confirmed MPs