

NATIONAL CONFERENCE ON ROAD SAFETY
SEPTEMBER 25, 2019
HOTEL METROPOLITAN, NEW DELHI

1. BACKGROUND

In the last few years, with growing urbanisation and rising incomes, the number of motor vehicles in India has been increasing steadily, without subsequent expansion and improvement in road network and condition. According to the 2018 report of the World Health Organization (WHO), globally the highest numbers of road accidents occur in India. As per the report of the Ministry of Road Transport and Highways, 2017; there are about 5 lakh road accidents occurred in India every year, in which around 1.5 lakh people were killed and 4 lakh were injured every year due to road accidents, which means every hour 17 people died on the road due to an accident. The number of fatalities is one-third of the number of accidents, which amounts to 53 road accidents every hour. Being a signatory to Brasilia Declaration, India is committed to reduce the number of road accidents



and fatalities by half by 2020, but the possibility of achieving this target is remote. India has undergone globally much appreciated legislative reforms in the Motor Vehicle Act (MVA), but it needs to be enforced at the earliest after taking all the states on board.

Amendments in the MVA, 2019 were the need of the hour as increase in the number of vehicles on roads, along with the absence of a coordinated act, rules and policies to control the increased menace of road accidents and road crashes has been attributed to a dire need of overhauling the existing legal framework of road safety. With the number of road accidents increasing, the Ministry of Road Transport and Highways appointed the Committee on Road Safety in 2007 (Chair: Mr S. Sundar) to examine the magnitude of road traffic injuries and fatalities. In April 2016, the central government constituted a group of state transport ministers to recommend reforms for the road transport sector. The group recommended that the Motor Vehicles Act, 1988 be amended to address urgent issues related to road safety.

After the bill failed to get passed during the NDA-01 tenure, The Motor Vehicles (Amendment) Bill, 2019 was re-introduced in Lok Sabha on July 15, 2019 by the Minister of Road Transport and Highways, Mr. Nitin Gadkari. The Bill seeks to amend the Motor Vehicles Act, 1988, which was the primary central legislation that regulates the licensing, registration of motor vehicles and drivers. This new Act is being passed by the Lok Sabha on July 23, 2019 and by Rajya Sabha on July 31, 2019. This process of amending the Act generated lots of deliberations and discussions, which lasted for more than five years, among all the key stakeholders, especially states, and has several

provisions on road safety. Honourable president of India gave his assent to the MVAB, 2019 dated August 09, 2019. The Motor Vehicles Amendment Act, 2019, which contains around 63 provisions, which require no further amendments in the CMVR, 1989 and deal with penalties, licences, registration and the National Transport Policy, are under implementation from September 1, 2019.

The Consumer Unity & Trust Society (CUTS) being an Indian consumer advocacy group, established in 1984, is working on the issue of road safety for more than two decades in India. CUTS in partnership with Global Road Safety Partnership (GRSP) and in collaboration with Road Safety India Network, was actively involved in supporting the efforts of MoRTH in strengthening and passing the MVA Bill for last five years or so. Now CUTS hopes that these new amendments will usher in a road crash-free India in time to come. But today a very uncertain scenario has emerged. As of now, six states putting on hold the notification of the Act and violent protests on the road against the strict enforcement is a matter of serious concern. There is big confusion among the general public and enforcement officials because of lack of awareness and education about the MVA Act 2019. There is a need of forming the corresponding rules by the Central Government and all state and UT governments as soon as possible. But these things are taking undue time.

Therefore, a daylong National Conference on road safety was organised with the purpose to congratulate the Minister for the passage of the long pending MV Act, brain storming on the present situation of road safety, to discuss the challenges in the effective enforcement and implementation of the MVA Act, 2019 on the ground and to share the best practices from the selected states for replication. The conference will bring together the key stakeholders like Government officials, policy makers, road safety experts and consumer organisations from 20 states on one platform to chalk out a road map ahead for the road safety in line with the Government of India (GoI).

2. PROCEEDINGS

2.1 INAUGURAL SESSION

Road safety experts and civil society organisations from 20 states gathered in Delhi for National Conference on Road Safety and urged strongly for implementation of MVA 2019 as soon as possible, which will bring down the number of road fatalities in the country.

2.1.1 WELCOME AND INTRODUCTORY REMARKS

George Cheriyan, Director, CUTS welcomes the guests and made introductory remarks on the



theme of the conference. He began by congratulating Mr. Nitin Gadkari, Transport Minister, Ministry of Road Transport and Highways, Parliamentary Standing Committee on Road Safety and various other stakeholders on behalf of road safety experts and NGOs for the passage of Motor Vehicle Act, 2019. He said participants also support the provisions of penalties and other provisions. He requested all the State Governments to start strict implementation of MVA, 2019 and not to delay it further.

He stated that India has highest burden of road accidents in comparison to other countries of the world. Average 5 lakh accidents and 1.5 lakh deaths are happening in India. As per World Health Organization (WHO), 733,000 people died in the last five years in India due to road accidents.

He further said India is signatory of Brasilia declaration to half the road accidents. The 1988 Act was looked upon by GoI for drafting new MVA. Many aspects were looked upon before finalising MVA. CUTS also got opportunity to appear before the parliamentary select committee. 63 new sections are added in the Act. But unfortunately media is only highlighting only penalties issue in their reports. There is no highlight of good provisions like licensing reform, legalising Good Samaritan and several others. We need to change impression and mind set of the public regarding the high penalty. He also said that there is lacuna on the part of state governments for delay in notification of penalties for compounding offences and said that there is an urgent need to have massive awareness programmes and sensitize public regarding this Act of 2019 and urge to follow the rules and regulations so that they cannot be penalised in any manner and the states must implement the Act without diluting and hoping the this Act will bring down accidents and crashes drastically in India.

2.1.2 OPENING ADDRESS

Pradeep S. Mehta, Secretary General, CUTS International addressed the conference and said we have to look into roots of issues of road safety. He expressed his concerns about decreasing levels of patience and indiscipline among road users. This is the root cause of road accidents. We need to recognise good drivers, RWAs creating awareness. He urged film makers and actors to show usage of helmets and seat belts for greater awareness. He talked about need of massive awareness and the convention of parking vehicles in front of own house. Even police is accepting the fact and not doing anything. He reiterated the fact that there is a need of internalising the road safety rules and regulations, incentivising the good practices and behaviour on the road. He also said safety in general shall be part of the school curriculum, which teach the students about personal safety, food safety and road safety.



2.1.3 ADDRESS BY CHIEF GUEST

Dr. Vinay P. Sahasrabudhe, Member of Parliament (Rajya Sabha), Chairman, Select Committee, Rajya Sabha on MVA Bill, 2017 was the chief guest of the conference, he said road safety is not a glamorised issue, it generally does not attract media. He said that GoI and other agencies are not able to provide the real time data on road accidents especially deaths happened due to faulty roads. Hence some deeper research is required in multiple areas. He stated that poor conditions of roads are also reason of accidents. He requested state governments to implement the law in their respective state in an effective and efficient manner. He also urged to incentivise the good behaviour on road and do a massive awareness by NGOs and religious organisations.



He said that Select Committee could not consider many of the aspects due to unavailability of data such as health condition of driver, which can be a reason of accident. He suggested including chapters on road safety in primary classes across the schools including pedestrian behaviour. Further he stressed upon having a multispectral approach towards road safety. He quoted Lokmanya Tilak's famous 'Swaraj Mera Janam Sidh Adhikar Hai' inspired him and he further added that it is now time is to say... "Suraksha Mera Janam Sidh Adhikar Hai". "Jan Andolan" is required to strengthen the MVA. Campaign such as Road Safety week is very weak, which requires more focused and strong implementation. People are using mobile phone while walking. It is not multitasking. He stressed upon the road discipline and reforms, which are need of the hour. This can be the way of incentivising good behaviour. He suggested that linking transportation with sustainable development, road safety being part of school curriculum, can help us achieve the target.

2.1.4 ADDRESS BY SPECIAL GUEST

Rajesh Yadav, Transport Commissioner, Government of Rajasthan addressed as special guest in the conference and commented on various important provision of MVA. He said instead of promoting good provisions of MVA, 2019 people are joking and creating cartoons and trolling MVA. Road safety is a very comprehensive issue. There were not much discussions happening on road safety five years ago. There is a need to look upon impact of road accidents in our society. Maximum deaths of earning members of family, 60-70 per cent are due to two wheeler accidents. It largely impacts the family as it leads to loss in financial earnings. He shared his observations and mentioned that road safety is a concurrent subject but there is no separate budget for states. Drivers should be skilled and licence should be given based on proper tests. Centre should grant Road Safety Funds for states. Awareness is required at large level by Central and State Governments. They should run advertisement on promoting MVA and important provisions. Media is diverting the importance of MVA. He said that road users shall plan their trip 15 minutes in advance so that they can avoid hassle on the road and drivers can drive their vehicle without any stress. He also talked about a wrong practice, which was going on. Actually manufacturing or assembling of 50 CC bikes has stopped in India much before. Usually these bikes were being used by the adolescents, who are between 16-18 years of age. He said that when the issue came in front of him, he immediately stopped the practice. He also mentioned that the steep penalties shall have implemented in a phased manner starting from the licensing related violations.



3. TECHNICAL SESSION I

This technical session was on inputs of the rule making for the corresponding rules to be made for



MVA 2019.

This Session was moderated by Nalin Sinha, Country Coordinator, Global Health Advocacy Incubator, Karuna Raina from SaveLIFE Foundation, Ranjit Gadgil, Director from Parisar, Pune talked about more than 100 recommendations given by the Parliamentary Committees and said that there is a huge scope for making rule. They also mentioned that until and unless effective and clear rules are framed for the MVA, 2019 the enforcement of the Act will be challenging.

Nalin Sinha, Country Coordinator, GHAI during the session emphasised on the importance of rulemaking and gave suggestions, which can be taken into consideration during the rule making process. He appreciated the passage of the Motor Vehicle Act, 2019 and the provisions which are inserted and the ground level impact of the same. He said that there is a huge outcry in the public regarding the high amount of penalties imposed. He urged that if the rules are followed by the public then penalties will not be imposed.

Karuna Raina from SaveLIFE Foundation gave a power point presentation emphasising on the usage of helmets, central motor vehicles rules regarding the child restraint system, vehicle standards rules considering the use of seat belts in hilly areas. To ensure that the scheme for the Golden Hour is in force and notification for accountability of faulty road design, electronic monitoring and enforcement of road safety must be ensured. There lies a need that every month robust and scientific accident investigation and data management must be done.

Sanjeev Kumar, Chief engineer, Road Safety Cell, MORTH detailed about engineering and technical aspects of Roads, which is an important factor to ensure the road safety. He said multilateral approach under the road safety is need of the hour that we must have safer roads and also people must follow traffic rules so as to avoid accidents and fatalities. He informed the participants regarding those measures taken by the Ministry for National Highways and also referred to certain schemes of Government. In his presentation he showed the data, in which India is on the First Rank in the fatalities. Out of which, maximum persons who are killed are on two wheeler. Ten per cent of the global road accidents occurs in India.

Ranjit Gadgil, Director, Parisar focused on the rules on regulating the procedure for licence. He explained the difference between the safe and skilled driver. He said over relying on the technology will not reduce the accidents, tried and tested methods needs to be carefully considered and expertise in the subject must be there. There is a need to build a system, which allows vulnerability but the enforcement of the laws must be more rigorous. He said extreme penalties must be

rationalised. Enforcement needs to be in such a way that people shall have the habit of following rules.

Madhu Sudan Sharma, Senior Programme Officer, CUTS International gave a presentation on the Scope of Rule Making in MVA, 2019: Key Recommendation in the PSC and Select Committee reports. He said both the committees gave more than 100 suggestions for rule making and out of that around 30-35 suggestions he referred in his address. He talked in detail about rule making process on drug driving, transporting hazardous material and safety of the drivers, accountability of the road owning agencies for faulty designs and construction and maintenance of poor quality roads. He said there must be clear provisions regarding the consumption of alcohol while driving, it must not differ from state to state. He further talked about the provisions regarding the cab aggregators, and then he said the use of technology needs to be backed by the rule making. He explained the rules regarding the recall of motor vehicles, which are inserted in the MVA, 2019. While concluding his presentation he said the success of rulemaking depends on the enforcement.

4. TECHNICAL SESSION II

In the second technical session on MVA, 2019 : Enforcement Challenges at State Level, state officials



from Kerala Road Safety Authority, Road safety measures taken by Tamil Nadu Governments were shared by Mr Elangovan, Executive Director, Kerala Road Safety Authority and Ms S Saroja, Director, Consumer Action Group, Chennai who explained the best practices taken by their governments, which need to be replicated in other states especially the road safety data, crash investigation and trauma care.

Ms S. Saroja, Director, Citizen Consumer and Civic Action Group (CAG) said the major challenge is that many states are reluctant to adopt the MVA, 2019. The two issues, which she raised were regarding the implementation and behavioral change that would somehow lead to the enforcement of laws. She said there must be certain criteria to ensure the compliance and enforcement of the laws. “There is a need of sustainable enforcement of the road safety laws,” she added.

Mr T. Elangovan, Executive Director, Kerala Road Safety Authority gave a detailed presentation on Road Safety: Enforcement and Challenges at State Level wherein he said that Kerala recorded 40,300 road accidents in 2018, out of which there were 4,303 road deaths, 31,672 grievous injuries, and 13,456 minor injuries. Majority of victims are youngsters between 18-40 years. Talking of the enforcement strategy, pedestrian safety and two-wheeler safety have to be taken into consideration. Evidences show that accidents occur due to high speed cars, increasing night time crashes, head-on collision on divided carriageways and fatal crashes involving coach buses/trucks. To prevent these, physical presence of uniformed personnel on highways is required, preferably

24x7 Enforcement & Patrolling by Police/MVD squads. There must be coordination between lead and other agencies, institutional strengthening with multi-disciplinary capability is required.

Road Safety has to be at the State's priority by making it a political agenda, commitment by the bureaucracy and political leaders and enforcement agency is required. Formulation of Road Safety Policy and Action Plan is the need of the hour, government commitment towards budget and man power, evidence based interventions and impact assessment behavioural & attitude changes (introducing road safety as part of school curriculum, training and awareness campaign) and networking with NGOs, community-based organization and road user groups is urgently needed.

Talking about Road Safety Enforcement in Kerala, he further said that Kerala Road Safety Authority is a lead agency in the state, which gives technical support group to strengthen capacity. Policy on Outdoor Advertisement is under revision. In Kerala, road safety is tasked through stake holder departments such as Safe Kerala Project (24x7 patrolling and enforcement - MVD) and Accident Black Spot Management (KRSA). He said to achieve the targets and enforcement strategies, implementation of demonstration project is strongly recommended. This will enable target setting, formulate action plan and targeted outcome delivery as successful demonstration project can be replicated in other parts the state. The demonstration project should treat a high-risk corridor with multi-sectoral interventions and monitor outcomes. This will develop capacities within agencies and enforcement plan should be evidence-based and actions should be data-driven.

Regarding challenges in enforcement, he said increased penalties will certainly act as deterrence. But manifold increase has created negative campaign. Incremental hike in penalty amount will gain wider acceptance. Currently, enforcement means Punitive (penalising violators). Instead, it has to be Corrective (remedial or behaviour change). Motorists who face suspension of Driving Licence for grave offences, Community service and Refresher Course have been made mandatory. Health and Social Justice Department are working out modalities of Community service mandated by the Act. While concluding he said penalty is not the only remedy for change. Keep citizens in good faith. Regular awareness campaign, combined with Sustained Enforcement will change the behaviour of public, which we can achieve together.

5. FLOOR INTERVENTIONS

Ms Varsha Pradhan, Ph. D Scholar suggested that not only the front seat belt but the rear seat belt has been made compulsory but according to the present legislation practically nowhere in India this rule is enforced. She said attention is required to be paid in this direction.



One of the participants asked that the amount of challan should be taken in incremental way, practically it is not happening, to which Elangoven answered Vahan and Sarathi are the two new elements of MVA, 2019, which must be linked to resolve this issue.

Jeetali, TRAX asked about the investigation team, which investigates in the matter at the time of accident but does not talk about the limitation period, within which the case must be solved that leads to vanishing and destruction of evidences, which recently happened in Gopinath Munday's case. Elangoven answered that proper training must be provided to members of the investigation team, to get the case resolved timely and liability of the negligent party could be fixed. A number of other participants also shared their experiences and raised queries, which were replied satisfactorily by the panelists concerned of the technical session.

The participants around 80 in number, who came from across 20 states shared their local experiences and supported all the provisions of the MVA 2019, which will certainly bring down the road crashes, accidents and injuries on Indian Roads.

6. SUMMARY AND VOTE OF THANKS:

Madhu Sudan Sharma summarised the daylong proceedings and said there is need of conducting more and more research in the area of road safety to generate evidence based data for planning. He said after internalisation of the rules and regulation, good behaviour shall be incentivised, There is need of working on the issue of road safety in a holistic and integrated way. He further briefed that lensing system shall be reformed and discretionary power shall be replaced with state of the art technologies. He further said rule making has huge scope of road safety and still several things are left with rule making so until and unless there is clear provisions in rules about them, effective implementation of the MVA, 2019 will be very hard and challenging.

He thanked all the panelists and speakers, GRSP patterns, media representatives, Road Safety experts, Voluntary Consumer Organisations and participants who came from across 20 states and other NGOs of Delhi for their active participation in the workshop and sharing their views and experiences and giving their valuable time for such a cause.

7. KEY TAKEAWAYS

- The legislation should take into account major risk factors of accidents like safety in road engineering and visibility. It should also consider keeping lane discipline, signal jumping, overtaking through wrong sides, overtime duty by drivers, pedestrian rights like good footpath, walkways, hazardless road crossing and noise pollution affecting the health of public.
- There is a need to incentivise good behaviour on the road. The interest and safety of all must be considered. The current approach followed has to be changed keeping in consideration the track record of India in road crashes.
- Drunken driving is a major cause of accidents. The rules must be enforced and implemented at ground level. Impact of Supreme Court decision on banning of liquor shops near highways had strong influence on bringing down accidents. Sale of liquor dropped and accident also came down as no shops are allowed on highways. This has to be properly analysed and the road safety policy should consider these aspects also. It may also think about giving utmost punishment to drunken drivers by cancelling the driving licence on repeated disobeying.

- Focus should be on planning, design and maintenance of roads and placed high priority for identification and rectification of black spots. Another aspect brought to highlight was the design for roads to cater to the needs of non-motorised transport, pedestrians, vulnerable and physically challenged. Placing hoarders on roadside should also to be controlled by law.
- Active participation of local government institutes is required for this issue. The 73rd Constitutional Amendment Act has provided a Constitutional status to the Panchayati Raj Institutions in India and left no discretion with the State governments in several important matters pertaining to these institutions.
- There is a need for intensive public consultation in this regard. Parking policy, street vender regulation and rehabilitation policy to be incorporated with this. In order to check encroachment on the roads and footpaths there should be strict parking policy, street vender regulation and rehabilitation policy. There is a need for comprehensive state specific law relating to parking than a nationwide general policy.
- The rules and regulations to get a driving licence to be made stricter and proper. Directions from concerned government authorities are needed for the requirements in the driving schools and to ensure compiling the requirements. There is a need for re-visiting the state rules in this direction.
- Availability of good ambulance services and emergency medical services to support the victims are inadequate in the state now. Considering the financial crisis of the state there is a need for thinking about the possibility for a PPP mode of implementation. All ambulance services need be brought under one umbrella and a coordination mechanism to be developed to run them efficiently.
- The powers of the Police are limited under the MV Act and only a few sections are there in the Act, which enable police to register cases and the fines that can be imposed is also not substantial.
- Proper follow up action taking is lacking for many of the offences noticed, which needs more clarity in the state rules and directions.
- Proper awareness creation of the public as well as drivers and periodic capacity building of enforcement officers has to be an integral part of the law enforcement. Proper monitoring and impact analysis of each activity is also needed.
- Government to publish suitable material to educate public about role of “Good Samaritans” and the ambiguities in this regard has to be sorted out. Policy changes are required at state level to give mandatory refresher training/continued education to drivers under different sectors.
- The road safety should be an integral part of the school curriculum, for which proper directions are needed in the state road safety policy.
- There has to be incorporation of the road safety policy. Lack of proper data management by various agencies is the main lacuna in this direction. And road safety rules and policies by the state has to take care of this very seriously and give provision for decentralised data collection and management of this data in centralised manner.
- Good Practices, which are adopted by Kerala on Road Safety can be replicated by other states, which could result in minimal fatalities and road crashes in India.

PROGRAMME SCHEDULE

Time	Activity	Guest/Resource Person
9.30-10.30 am	Arrival, Registration of delegates & Tea	
10.30 -11.45 am	Inaugural Session	
10.30-10.45 am	Welcome & Introductory remarks	Mr. George Cheriyan Director, CUTS International
10.45 11.00am	Opening Address	Mr. Pradeep S. Mehta Secretary General, CUTS International
11.00- 11.20 am	Address by Chief Guest	Dr. Vinay P. Sahasrabudde Member of Parliament (Rajya Sabha) Chairman, Select Committee, Rajya Sabha on MVAB, 2017
11.20- 11.30am	Address by Special Guest	Mr. Rajesh Yadav Transport Commissioner, Govt. of Rajasthan, Jaipur
11.30- 11.35am	Presentation of Mementos Vote of thanks	Madhu Sudan Sharma Senior Programme Officer, CUTS International
11.35 to 11.45 am	Short break	
Technical Session 01: MVA, 2019: Immediate Impacts and Inputs to Rules making		
11.45 am - 12.45 pm	Moderator: Mr. Nalin Sinha, India Country Coordinator, GHAI).	Introductory Presentation: <ul style="list-style-type: none"> • Ms. Karuna Raina, Associate Director, Safe Life Foundation, New Delhi. Panellists: <ul style="list-style-type: none"> • Mr. Sanjeev Kumar, Chief Engineer, Road Safety Cell, MoRTH • Mr. Ranit Gadgil, Director, Parisar, Pune • Madhu Sudan Sharma, Senior Programme Officer, CUTS, Jaipur.
12.45- 1.00pm	Questions and Answers	
1.00-1.45pm	Lunch	
Technical Session 02: MVA, 2019: Enforcement Challenges at State level		
1.45 3.15pm	Moderator: Ms. S. Saroja, Director, Citizen consumer and civic Action Group (CAG), Chennai	<ul style="list-style-type: none"> • Mr. T. Elangovan, Executive Director, Kerala Road Safety Authority, Thiruvananthapuram
3.15pm- 3.30pm	Questions and Answers	
3.30pm 3.45 pm	Recommendations and Vote of thanks	Madhu Sudan Sharma Senior Programme Officer, CUTS International
3.45pm	High tea and Departure	

