ORIGINAL RESEARCH PAPER

Law

ROAD SAFETY LAWS IN INDIA: A STUDY WITH SPECIAL REFERENCE TO HIMACHAL PRADESH ROAD SAFETY REGULATIONS AND SCHEMES

KEY WORDS:

Dr. Seema Kashyap Assistant Professor of Law Himachal Pradesh University Institute of Legal Studies, Shimla

Ujala Singh Ph.D. Research Scholar Department of Law Himachal Pradesh University, Shimla

ABSTRACT

The primary purpose of this paper is to examine road accidents in Himachal Pradesh and in India. According to analysis, the distribution of road fatalities and injuries in India varies by age, gender, month, and time. The age group 20 to 45 years is the most vulnerable, though males suffer a higher rate of fatalities and injuries than their female counterparts. Furthermore, road accidents are more common during inclement weather and during working hours. The analysis of road accident scenarios at the state and city levels reveals a significant variation in fatality risk across states and cities. Every year, numerous road accidents occur in India. Road safety is an important precaution that must be done to protect all road users. It refers to the various procedures and measures employed to keep road users safe. Pedestrians, cyclists, motorists, vehicle passengers, and on-road public transportation passengers are all common road users. India has the world's worst road safety record. Around 149,000 persons were killed on Indian roadways in 2018. About 2% of the world's automobiles are produced in India. Despite this, it is home to more than 11% of the world's general public road traffic deaths. According to the 2019 Road Accident Report, 449,002 accidents occurred in the country in the calendar year 2019, resulting in 151,113 deaths and 451,361 injuries. According to the annual report of the National Crime Records Bureau (NCRB), India recorded 3,54,796 cases of road accidents in 2020, in which 1,33,201 people died and 3,35,201 were injured. The components of the transportation system are drivers, vehicles, and roads. Accidents can occur if any component of the transportation system fails. Road accidents could be reduced by focusing on three components: the human, the road, and the vehicle. The interactions between the three components have an impact on the level of safety on the road. It is the responsibility of road designers to design roads that reduce the chances of human errors by preventing collisions and reducing the severity of collisions that do occur.

INTRODUCTION

Transportation is one of the most basic needs that people have in their daily lives. People require transportation to travel and move to a different location, especially if it is a long distance away. People use various modes of transportation such as airplanes, trains, boats, buses, automobiles, and motorcycles. Cars, buses, and motorcycles are the most common examples. Road expansions are insufficient to keep up with the increase in vehicle population. This is why there are so many car accidents on a daily basis. It could be caused by a driver's lack of discipline, a refusal to follow traffic rules, or a lack of infrastructure. Vehicle accidents frequently result in injuries or even death. However, there are traffic laws in place that may help to prevent these types of collisions, but it is still up to the motorist to observe them. There are traffic enforcers who are eager to assist in preserving decent traffic conditions. It is the driver's responsibility to adhere to traffic laws and regulations. Vehicle collisions are extremely difficult to avoid. However, it is possible to reduce the amount of accidents that occur on a daily basis by beginning with ourselves and completing our job as a decent community member.

Driving in India is overseen by a variety of legal authorities in some cases, passing a driving test is required. The Ministry of Road Transport and Highways, an Indian government department, is in charge of drafting and enforcing rules, regulations, and laws pertaining to road transportation, national highways, and transportation research improve India's road transportation system's mobility and efficiency. Un like most other countries, India drives on the left side of the road. The First Motor Vehicle Act was reinforced by provincial acts in the postwar years to establish certain regulatory and mechanisms of control the first Indian Motor Vehicles Act, which included 18 parts and was applicable to British India at the time, was enacted in 1947., was passed in 1914. It gave local governments the authority to regulate the use of motor vehicles through registration, licensing, and penalties. After World War I, excess army vehicles were diverted to the civilian market, resulting in phenomenal growth of road transport in the early 1920s. Motor vehicles' rapid rise posed a challenge to British-owned railway corporations. As a result, the government felt compelled to control passenger and freight motor vehicles in order so that they don't have to compete with railways the second All India Motor Vehicles Act, which came into effect in 1939, was passed with this primary goal in mind.

Despite our commitment and efforts, road accidents remain the biggest cause of death, disability, and hospitalization in the country. India is #1 among the 199 countries in terms of road accident mortality, accounting for over 11% of all accident-related deaths worldwide. According to the 2019 Road Accident Report, 449,002 accidents occurred in the country in the calendar year 2019, resulting in 151,113 deaths and 451,361 injuries. In terms of percentages, the number of accidents declined by 3.86 percent in 2019 compared to the previous year, while the number of fatalities decreased by 3.86 percent. number of accident-related deaths decreased by 0.20 percent and the number of people injured decreased by 0.20 percent from 3.86. The reduction in traffic accidents, fatalities, and injuries reported in calendar year 2019 appears to be the outcome of the Motor Vehicle Act, which went into effect in states in September of this year and focused on road safety, among other things, a significant increase in penalties for traffic offences, as well as electronic policing, are also being considered.

Other developments in 2019 were quite comparable to those in previous years. National Highways are roads that run across the country account for 2.03 percent of the total road network, continued to account for a disproportionate share of 35.7 percent of fatalities in 2019, highlighting the need for improved road safety. On National Highways, enforcement and corrective measures will be implemented. State highways account for 2.01 percent of the total road length and 24.8 percent of the fatalities. Other highways, which account for about. 95 percent of the total roads were responsible for

the balance. Electronic death records are being kept for 39% of all deaths.

The 18–45 age group is a working age group. As in previous years, accounted for 84 percent of total road accident deaths. Over speeding remained a major killer in Violations of Traffic Rules is a category of traffic violations. Even in 2019, driving on the wrong side of the road was responsible for 6% of all accident-related deaths, accounting for 67 percent of all fatalities. In the calendar year 2019, states and union territories (UTs) reported a total of 4,49,002 road accidents, claiming 1,51,113 lives and injuring 4,51,361 people.

- According to the annual report of the National Crime Records Bureau (NCRB), India recorded 3,54,796 cases of road accidents in 2020, in which 1,33,201 people died and 3,35,201 were injured. According to government data, over speeding was responsible for more than 60% of road accidents, resulting in 75,333 deaths and 2,09,736 injuries. Last year, there were 3,74,397 accidental deaths in India. According to NCRB data, 43.6 percent of victims of road accidents were riders of two-wheelers, 13.2 percent were in cars, 12.8 percent were in trucks, and 3.1 percent were in buses. Dangerous or careless driving or overtaking were responsible for 24.3 percent of road accidents, which resulted in 35,219 deaths and 77,067 injuries, according to the report. According to the government report, poor weather conditions were responsible for only 2.4 percent of traffic collisions There are a variety of reasons for this, including unsafe and hasty driving, disobedience of traffic regulations, a lack of an effective traffic enforcement apparatus, an ineffective traffic police force, and so on. When the Motor Vehicles Act was recently modified, these factors were taken into account. This Act aims to improve road safety, compensate accident victims, provide third-party insurance, and improve vehicle health. By making changes to the Motor Vehicles Act, Act, 1988, the new Motor Vehicles (Amendment) Act, 2019, intends to improve road safety in India. Drunk driving, driving without a license, unsafe driving, over-speeding, and other offences now carry stiff penalties under this amending act. It has been in effect since September 1st, 2019. The fines for certain breaches have now been increased by tenfold. This adjustment is based on the recommendations of the Group of State Transport Ministers. It should be noted that this is merely a model Act, and state governments are free to draught their own legislation. The Motor Vehicles Amendment Act of 2019 has a number of notable aspects.
- Enhanced Penalties for Traffic Infractions and Other Unlawful Acts: This Act has increased penalties for traffic violations and other illegal activities such as juvenile driving, intoxicated driving, driving without a license, unsafe driving, over-speeding, overloading, and so on. The Union administration has announced that these fines will be increased by 10% every year on April 1st.
- **Vehicle recalls:** This Act empowers the federal government to recall motor vehicles if they are discovered to be dangerous to the environment, the driver, or other road users. The recalled vehicle's maker will be required to:
- Refund the full cost of the vehicles to the purchasers, or replace the defective vehicles with a vehicle that is equivalent or superior in specification.
- **Vehicle fitness:** This Act requires vehicle fitness testing. This would cut down on corruption in the transportation sector while also increasing car roadworthiness. The process of testing and certification of autos is more effectively regulated now that testing agencies are included in the Act's scope, and standards for vehicle testing institutes will be established.
- The National Road Safety Board will be established to provide advice to the Centre and States on all issues of road safety and traffic management. It is made up of representatives from state governments.
- **Good Samaritan:** According to the Act, a Good Samaritan is someone who provides emergency medical and non-medical aid to an accident victim on the spot. The aid has to be provided in good faith, voluntarily, and without any prospect of remuneration. Such a person will not be held accountable in any civil or criminal action for any injury or death caused by negligence while assisting the accident victim.
- **Cashless Treatment:** This Act establishes a scheme to offer traffic accident victims with cashless treatment during the golden hour. It is a one-hour period following a catastrophic injury caused by a car collision. This is the time when the chances of averting death by early medical attention are greatest.
- **Third-party insurance:** This Act covers the driver's assistant as well as the third-party insurance. Liability insurers will be unrestricted. Insurance compensation will be increased by a factor of ten. In addition, the claim process has been streamlined. If the victim's family agrees, insurance companies must pay claims within a month. It also enhanced the minimum compensation for the hit and run cases from Rs.25000 to 2 lakhs in case of death and from Rs.12500 to Rs.50000 in case of serious injuries. Motor Vehicle Accident Fund: The Central Government is required by this Act to establish a Motor Vehicle Accident Fund to offer mandatory insurance coverage to all road users in India. It will be used for the following purposes:
- **Improving services using e-Governance** is one of the major focuses of this Act. This includes:

1. The golden hour scheme is used to treat those who have been injured in a car accident.
2. Compensation for the heirs of someone killed in a hit-and-run accident
3. To pay someone who has been seriously hurt in a hit-and-run accident.
4. To reward any individual in accordance with the Union government's guidelines.

The following sources of funding will be used:

1. Payment of a specific character as determined by the central government
2. A loan or grant from the federal government
3. The Solatium Fund's Balance (existing fund under the Act to compensate the hit and run cases)
4. Any other source that the central government specifies

1. Providing online learners licenses with required online identity verification: This Act allows for the provision of online learners licenses. To combat false driving licenses, the driving exam will be digitized. Transparency in RTO offices is also ensured.

2. Vehicle Registration: In order to improve the new vehicle registration procedure, registration at the dealer's end has been enabled, and temporary registration restrictions have been enforced. State transportation officials, however, are claimed to be able to evaluate vehicles at the dealership level. It is recommended that a National Register for Driving License and a National Register for Vehicle Registration be created using the VAHAN (ICT-based vehicle registration solution) and SARATHI platforms to bring the registration and licensing processes into harmony (licensing).

- The development of an integrated transportation system is ensured by the National Transportation Policy. It will give state governments more power to provide last-mile connectivity, rural transportation, and other services. This statute establishes the definition of taxi aggregators. They are digital middlemen or marketplaces where passengers can interact with drivers for transportation (taxi services). The Tax Aggregators Act also contains guidelines for them. The following are some of the ways in which this Act will improve India's road safety:
- Users, cars, and infrastructure are all part of road safety. These three aspects are addressed in the Motor Vehicles Amendment Act of 2019 in the following ways:

Traffic, Road safety and infrastructure planners:
The National Road Safety Board would be established under this Act to advise the federal and state governments on road safety and traffic management.

It gives the federal government the authority to design a National Transportation Policy to aid in the development of a framework for planning, giving permits, and determining priorities for the road transportation sector.

This Act establishes a relationship between infrastructure design and safety.

The government can fine agencies, contractors, and consultants up to $1,500 if they fail to develop or maintain safe roadways.

This Act also creates a new category of permits that could aid in the expansion of public transportation in both urban and rural regions.

This Act also creates a new category of permits that could aid in the expansion of public transportation in both urban and rural regions.

According to studies, the danger of getting involved in a traffic accident increased with every kilometer driven in a personal vehicle.

Increasing public transit use can help to reduce traffic and hence improve road safety.

Traffic, Road Safety and Vehicle Manufacturers:
- It allows the Union government to levy penalties of up to $15 million if automobile manufacturers fail to comply with motor vehicle standards. It also allows the Union government to mandate that manufacturers recall their vehicles if their features have the potential to harm the environment and individual's health and safety.
- In short, the vehicles will be safe for both the environment and the people on the road.
- It also recognizes taxi aggregators in order to ensure that drivers' working hours are regulated, that riders' data is shared, and that other issues such as speeding and traffic offences are addressed.

Traffic, Road Safety and Road Users:
- The penalties for breaking several traffic laws have been enhanced. This could serve as a deterrent and increase road safety.
- It also establishes a Motor Vehicle Accident Fund, which assures that all road users are covered by mandatory insurance. It allows for the funding of medical treatment and compensation for victims, as well as the protection of "Good Samaritans" in the event that the law is turned against them.
- In addition, the Act makes the guardians liable for the offences committed by the juvenile drivers.

The Motor Vehicles (Amendment) Act of 2019 seeks to bring about changes in the Motor Vehicles Act of 1988. This is in lieu of solving some major issues of road safety, third party insurance, etc. Guidelines for cabs have also been issued, which would later be finalized. The digitalization of some related services like issuance of licenses, change in address, issuance of receipts to ensure better efficiency has been done. The state governments are to constantly monitor state highways, national highways, and urban roads through electronic mode. Some major amendments are also done in the compensation schemes and insurance provisions. All these have benefited the drivers of India, although some have raised their concerns over the State autonomy is being curtailed.
- Road transport is a Concurrent List subject, so implementation may be challenging at the national level. As a result, state governments are allowed to pass their own legislation.
- Effective surveillance is required for this Act to be useful to everyone. India, on the other hand, still lacks a monitoring system that can effectively monitor traffic violations and accidents across the country.
- As a result, electronic surveillance via CCTVs, speed guns, and other associated technology is critical to the law's proper implementation. Who will foot the bill for this massive undertaking is unknown. Funding already exists to compensate hit and run accident. The purpose of the new Accident Fund is unclear.
- Taxi aggregators will be granted permits by state governments in compliance with federal criteria. Currently, state governments set the rules for how taxis should operate.
- There may be instances where state taxi regulations differ from those governing aggregators at the federal level. As a result, there is uncertainty about how it will be implemented at the state level.

Some issues regarding the various provisions provided for under this Act have been raised, the major ones are listed below-
1. With an already existing fund for hit and run cases, another fund, created by this Act for the same purpose seems futile and unreasonable.
2. This Act is good in text and spirit, but its uniform implementation all over India is a very difficult job.
3. It has also been brought to light that for ensuring that traffic rule offenders don't go unpunished, electronic surveillance is imperative. For example, the installation of CCTV cameras and other related equipment. Naturally, this would require huge investments, regarding which the Act is ambiguous.
4. Many states have raised the issue of curtailment of their autonomy at the behest of the central government.
5. Also, it has been noted that this amendment provides for relief to victims. However, it is unclear as to which specific offences would lead to that penalty. This may make the whole attempt of providing relief futile.

Need to study Traffic and Road Safety Laws in India
- According to figures from the Ministry of Road Transport and Highways, there were 4.64 lakh accidents in 2010, with 1.47 lakh persons killed.
- Over a third of all road accidents included two-wheelers.
- According to a 2018 WHO report, India has the highest number of road accidents in the world. Even China, the world's most populous country, lags behind in this regard.
- As a result, a strict regulation with harsher penalties is urgently needed to encourage individuals to respect traffic rules and reduce the number of accidents that occur in India.
- Increased travel demand, fast-paced motorization, technical improvements, and deteriorating road conditions have all resulted in traffic and road safety regulations.

It also addresses current issues such as rising corruption in transportation offices across the country, the rise of taxi aggregators such as Uber, Ola, and others operating without proper regulations, last-mile connectivity and accessibility for the growing population, rural transportation needs, and the rising number of road accidents and related deaths in the county.

Road Safety Laws And Regulation
Road Safety
In today's society, roads and transportation have become an essential element of everyone's daily lives. In some way or another, everyone is a road user. The current transportation system has reduced distances while also increasing the chance of death. Every year, traffic accidents claim the lives of lakhs of people and cause catastrophic injuries to millions more.

Every year, over 80,000 people are killed in traffic accidents in India, accounting for 13% of all road fatalities worldwide. The driver of the vehicle has a significant influence in the majority of collisions. The majority of crashes occur as a result of negligence or a lack of road safety knowledge on the part of the road user. As a result, road safety instruction is just as important as any other survival skill. Our goal is to offer road users with road safety information in order to encourage better driving habits among present and potential road users and reduce the number of individuals killed or injured on our roads each year.

National Road Safety policy

In 2005, the government formed a committee, chaired by Shri S. Sundar, former Secretary of State for Transport, to debate and give recommendations on the establishment creation of a separate road safety and traffic management agency The Committee was also asked to draught a National Road Safety Policy for the Government's approval. The Committee recommended a draught National Road Safety Policy in its February 2007 report, among other things. The Union Cabinet approved the National Road Safety Policy on March 15, 2010, based on the recommendations of the Sunder Committee.

Create a Road Safety Information Database.

Local governments, Union Territories, and States will get help from the government to improve the quality of crash investigations, data collecting, transmission, and analysis. This endeavor will be supported by a National Road Safety Information System that will provide continuity and policy standards.

Ensure a More Secure Road Infrastructure

The government will take steps to review safety standards in the design of rural and urban roads and bring them in line with international best practices while keeping Indian traffic conditions in mind. The continued use of Intelligent Transportation Systems (ITS) within a national framework to establish a safe and efficient transportation system will be encouraged.

Vehicles that are safer

The government will take steps to ensure that safety features are built in at the design, manufacture, usage, operation, and maintenance stages of both motorized and non-motorized vehicles, in accordance with international standards and practices, to minimize the negative safety and environmental effects of vehicle operation on road users (including pedestrians and bicyclists) and infrastructure.

Drivers who are more cautious

To improve the competence and aptitude of drivers, the government will strengthen the system of driver license and training.

Ensure that the road infrastructure is safer

The government will take steps to evaluate safety standards for rural and urban road design and bring them in line with international best practices, taking into account Indian traffic realities. Intelligent Transportation Systems (ITS) will continue to be used (ITS)

Vulnerable Road Users' Safety

All road facilities (rural and urban) shall be designed and constructed with the needs of non-motorized transportation, the vulnerable, and the physically impaired in mind. The government would try to spread 'best practices' to town planners, architects, and highway and traffic engineers in this area. It will be urged to develop a national framework for establishing a safe and efficient transportation system.

Education and Training in Road Traffic Safety

Through education, training, and public awareness efforts, the public will get a better understanding of road safety. Schoolchildren and college students will be targeted for road safety instruction, and public awareness campaigns will be used to spread excellent road safety behaviors throughout the community. All professionals involved in road design, road construction, road network management, traffic management, and law enforcement will be encouraged by the government to gain adequate awareness of road safety issues.

Safety Laws Are Enforced

The government will take suitable steps to help various state and local governments in strengthening and improving enforcement quality in order to ensure that safety regulations are implemented effectively and uniformly. In collaboration with state governments and union territories, the government will actively encourage the highway patrolling on national and state roadways is being established and strengthened.

Emergency Medical Services in the Event of a Traffic Collision

The government will work hard to guarantee that everyone involved in a car accident receives prompt and effective trauma care. The provision of rescue operations and administration of first aid at the scene of an accident, as well as transportation of the victim from the accident site to a local hospital, would be vital functions of such a service. Hospitals located near major highways and state highways would be well-equipped to handle trauma and rehabilitation.

Investigations into road safety

The government will stimulate innovation by identifying priority areas, adequately funding research in those areas, and developing centers of excellence in research and academic institutions more involvement in road safety research programmers. Through publication, training, conferences, workshops, and websites, the government will make the results of research and highlighted examples of good practices more widely available.

Creating a Road Safety-Friendly Legal, Environmental, Institutional, and Financial

The government will take the necessary steps to ensure that the required legal, institutional, and financial environment is in place road safety is enhanced, as well as a structure for effective coordination among diverse stakeholders. The reforms in these areas would allow for the active and widespread participation of the general public, the private sector, academics, and non-governmental organizations.

Strategy for Implementation

The government has chosen to create a dedicated organization, the National Road Safety Board is charged with overseeing road safety issues and developing effective ways for implementing the Road Safety Policy. In addition, the government has agreed to establish a National Road Safety fund to fund road-related programmers by allocating a portion of the gasoline and diesel cuss.

An Introduction To Road Accidents

The global setting

The third Global Ministerial Conference on Road Safety was held in Stockholm, Sweden on the 19th and 20th of February, 2020. All countries, including India, reiterated their unequivocal commitment to meeting the goal of halving road accident-related deaths by 2025 during this summit by 2030, at least 50% of the population will have been reached.

Road traffic continues to be a major development issue, a public health concern, and a leading source of death and injury worldwide, killing over 1.35 million people each year. Each year, according to the Global Status Report on Road Safety 2018, with 90 percent of these casualties being children taking place in developing nations.

According to the World Health Organization, accidents are the

seventh greatest cause of mortality in children aged 5 to 14, and the first major cause of death in individuals aged 15 to 29. Pedestrians and bikers are responsible for 54% of all traffic-related deaths globally. As well as motorcyclists Not only do individuals suffer significant economic losses as a result of this, but the economy as a whole suffers as well, not only to their families, but also to their countries The losses are due to treatment costs as well as lost productivity for individuals dead or disabled as a result of their injuries, as well as lost production for family members who must miss work or school to care for the injured, and so on road transport is still the most popular mode of transport in India for both freight and passenger movement. The rapidly growing population, exceptional rate of motorization, and ever-increasing urbanization have made people vulnerable to frequent road accidents, resulting in deaths, injuries, and disabilities.

Every year, nearly 1.5 lakh people are killed in road accidents in India. As a result, India accounts for nearly 11% of all accident-related deaths worldwide.

According to a partnership of Delhi IIT and DMITS commissioned by MORTH to estimate the socio-economic costs of road accidents, the overall predicted socio-economic cost of road accidents in India in 2018 was Rs 1,47,114 crores, or 0.77 percent of the country's gross domestic product.While the length of the road has expanded by 39% since 2000, the number of vehicles has increased by 158 percent.

Road Accidents in India from 2015 to 2020: A Quick Overview

In the table of Road accidents, number of persons killed and injured in the last five years 2015-2019 show the current situation in terms of road accidents, numbers killed and injured in the last six years.

Data is available up to 2020

In 2019, states and union territories (UTs) reported a total of 4,49,002 traffic accidents, with 1,51,113 people killed and 4,51,361 people injured. There were 4,49,002 accidents and 1,51,113 deaths in 2019, bringing the total number of accidents and deaths to 4,49,002. There are 1,230 accidents and 414 deaths every day, with almost 51 accidents and 17 deaths per hour.

In 2019, compared to the previous year, 2018, road accidents reduced by 3.86 percent, the number of people died declined by 0.20 percent, and the number of people injured decreased by 3.85 percent.

The adoption of the MVA 2019, which went into effect on September 1, 2019, could be one of the major causes for the decrease in accidents and accident-related deaths in 2019. The Motor Vehicle Amendment Act of 2019 featured, among other things, the following measures. Such as increased fines for traffic offences, electronic monitoring of the same, and greater enforcement, as a result the sanctions for underage driving, etc., achieved the anticipated effect.

Road Accident in 2020: A report

- A total of 3,54,796 'Road Accidents' were reported in 2020, with 3,35,050 people injured and 1,33,201 people killed.
- Riders of 'two wheelers' made up 43.6 percent of road accident victims, followed by cars, lorries, and motorcycles. Lorries and buses accounted for 13.2%, 12.8 percent, and 3.1 percent of total road traffic, respectively deaths that occur by chance.
- Over speeding was the cause of the majority (60.6 percent) of road accidents, accounting for 75,333 of them.2,09,736 people were killed, and 2,09,736 were injured. Overtaking or dangerous/careless driving led to 24.3 percent of all traffic incidents, resulting in 35,219 deaths and 77,067 injuries injured. Furthermore, only 2.4 percent of traffic accidents were caused by bad weather.
- In rural areas (2,11,351 incidents), 59.6% and 40.4 percent of road accidents were reported, respectively and in urban areas (1,43,445 cases) and rural areas (1,43,445 cases), respectively.

Road Accidents in Himachal Pradesh

The number of road accidents and the loss of precious human lives is increasing day by day as road connectivity and the number of vehicles plying on these roads in the State improve. The data from 2001-02 to 20019-20 show an increase in the number of accidents and victims.The state's hilly terrain, as well as rash and negligent driving, are the primary causes of these accidents.The PWD department has identified numerous black spots and is working to improve them in order to reduce road accidents.And data is updated only up 2020.

Sr. No.	Year	Road Accident	Person killed	Injured person
1	2001-02	2,226	804	3,798
2	2002-03	2,830	695	3,917
3	2003-04	2,607	867	4,188
4	2004-05	2758	920	4674
5	2005-06	2807	863	4833
6	2006-07	2756	886	4688
7	2007-08	2953	921	5272
8	2008-09	2840	898	4837
9	2009-10	3023	1173	5630
10	2010-11	3104	1105	5350
11	2011-12	3063	1051	5260
12	2012-13	2867	1057	5422
13	2013-14	3008	1116	4961
14	2014-15	3012	1179	5522
15	2015-16	3168	1271	5764
16	2016-17	3114	1203	5452
17	2017-18	3110	1208	5551
18	2018-19	2873	1146	4904
19	2019-20 (Oct,2020)	1791	671	2520

Road safety schemes of Government of Himachal Pradesh

Scheme for setting up of Driving Training Centers (DTC)"

A large number of road accidents are taking place on Indian roads every year resulting in the death of around one lakh fifty thousand persons. The causative analysis of various road accident studies carried out in the past shows that majority of road accidents occur due to driver's fault. The report of year 2015 indicates that 78% of all road accidents were due to the fault of the driver. Despite having adequate provisions in C.M.V. Rules requiring good driving skills and knowledge of rules of the road among drivers, there has been laxity in strict enforcement of the same in grant of driving licenses. Moreover, observance of rules and safe driving are matters of habit and inculcation of a culture. It has been observed that there is an urgent need to impart driving training, both theoretical and practical to the existing and aspiring drivers. Need has also been felt for setting standards and monitoring of driving training and issue of Driving License based on an objective scientific process of testing skills. Government of India has been operating a scheme to set-up Institutes of Driving Training and Research (IDTR) and regional Driving Training Centers (RDTC). However, these centers require large tracts of land and as well as investment.To meet the wide spread need for training large number of commercial drivers, it is proposed to set up well equipped and competent Driving Training Centers (DTC) at district levels. Keeping in view the gap between demand and availability, it is important that at least one such center is set-up in each district to provide quality training to the drivers of commercial vehicles.

In view of the urgent need to meet the shortage of commercial drivers, the Motor Vehicles (Amendment) Bill, 2017 has provided for establishment of accredited driving training schools, which would be licensed by the state governments. The successful trainees from such schools will be exempted from the need of undergoing the driving tests for grant of

license. The waiting period of one year, stipulated for grant of a commercial driving license after the grant of a permanent license for personal vehicles, may also be waived for the successful trainees of such authorized training schools. The proposed Driving Training Schools, therefore, would help in providing quality training to the driving license aspirants while assisting to reduce the shortage of drivers in the country. These schools would also help in strengthening the road safety.

A Driving Training Centre is a skill development facility comprising of physical infrastructure requiring Capital Expenditure (CAPEX) for creation and development of necessary infrastructure. The infrastructure will be in form of land, building, driving testing tracks, vehicles, simulators and workshop, etc. The Centre will require regular expenditure to carry its operations (OPEX) to manage its day-today operations and to provide for the manpower. The training programs will be compatible with the National Skill Qualification Framework (NSQF), notified by the Ministry of Skill Development and Entrepreneurship vide its Notification dated 27.12.2013.

Guidelines for grant of financial assistance for administering Road Safety Advocacy and awards for the outstanding work done in the field of Road Safety.

In India, roughly 150,000 people are killed and 500,000 people are injured in approximately 500,000 traffic accidents each year. Around 85 percent of traffic fatalities occur in the working age bracket of 18-60 years. Injuries, particularly those resulting from car accidents, are one of the leading causes of potential life years lost, costing billions of rupees each year. According to the WHO Global Report on Road Safety 2018, India is responsible for over 11% of all accident-related deaths worldwide. Pedestrians account for roughly 15% of all fatalities, while cyclists and low-wheelers account for nearly 2.50o/o and 35%, respectively. Vulnerable road users account for roughly half of all road fatalities.

Given its extent and gravity, as well as the detrimental effects on the economy, public health, and the general welfare of people, particularly those with little income, road safety is a complicated subject of concern. Despite the implementation of several road safety improvement projects, they have not had the desired impact, and the number of traffic accidents and fatalities continues to climb. Road traffic injuries are now one of the leading causes of deaths, impairments, and hospitalizations worldwide, with significant socioeconomic implications.

The 4 E's I Education, (ii) Enforcement, (iii) Engineering, and (iv) Environment and Emergency Care of Road Accident Victims) have been the main thrust of accident prevention and control around the world. In its policies and programmers, the Indian government has prioritized all four approaches. The Ministry of Road Transport and Highways has decided to collaborate with non-governmental organizations to raise awareness about road safety (NGOs). NGOs may engage in activities aimed at raising public awareness about road safety.

The scheme's goal is to stimulate and support possibilities for various agencies to participate in order to raise road safety awareness. The scheme will work in accordance with the following National Road Safety Policy objectives:

- To develop a shared vision of road safety priorities and strategies. Continually promote cooperative federalism through support programs and procedures with the States.
- To establish and implement credible plans for providing financial assistance to various stakeholders for the administration of road safety programs, as well as to increase awareness about the issue through education, training, and public awareness campaigns.
- To develop strategic, long-term policies, programs, and initiatives, as well as to track their progress and effectiveness. The lessons learned from monitoring and feedback will be put to use in order to make new improvements.'
- To build a knowledge base in sustainable and equitable development through best practices and good governance vi. To make it easier for partners to be recognized and awarded for their ideas and excellent work in the field of road safety.

Scheme for grant of Award to the Good Samaritan who has saved life of a victim of a fatal accident involving a motor vehicle by administering immediate assistance and rushing to Hospital/Trauma Care Centre within the Golden Hour of the accident to provide medical treatment

Given its extent and gravity, as well as the detrimental effects on the economy, public health, and the general welfare of people, particularly those with little income, road safety is a complicated subject of concern. Despite the fact that different road safety improvement programs are in place, they have not had the desired impact, and the number of road accidents and fatalities continues to climb. With a 10% compound annual growth rate in motorization and a growing road network, travel dangers and traffic exposure are increasing at a considerably quicker rate. Road traffic injuries are now one of the leading causes of deaths, impairments, and hospitalizations worldwide, with significant socioeconomic implications.

The four E's, namely I education, (ii) enforcement, (iii) engineering, and (iv) environment and emergency treatment for road accident victims, have been the main thrust of accident prevention and control around the world. In its policies and programs, the Indian government has prioritized all four approaches.

As per provisions under Section 134A of the Motor Vehicle Amendment Act 2019, Rules for Good Samaritan have been notified by the Ministry of Road Transport and Highways vide Notification No. GSR 594E dated 29th September, 2020. Basically the rules provide legal protection to the people who give reasonable assistance those who are, or who they believe to be, injured, ill, in peril, or otherwise incapacitated.

Now, it has been felt that there is a need to motivate the general public, "through cash awards and certificates", to help the road accident victims in emergency situation and to boost their moral, and also to inspire and motivate others to save lives of the road accident victims.

Objective of the Scheme:
To motivate the general public to help the road accident victims in emergency situation, inspire and motivate others to save innocent lives.

Eligibility:
Any individual who has saved life of a victim of a fatal accident involving a motor vehicle by administering immediate assistance and rushing to Hospital within the Golden Hour of the accident to provide medical treatment

Setting Up Of Model Inspection & Certification Centre For Motor Vehicle 15™ Finance Commission Cycle (2021-22 To 2025-26)

INTRODUCTION
Approximately 50 million people are injured and nearly 1.35 million people die each year in road accidents around the world. Despite our commitment and efforts, road accidents remain the biggest cause of death, disability, and hospitalization in the country. India is #1 among the 199 countries in terms of road accident mortality, accounting for over 11% of all accident-related deaths worldwide. The

hazardous state of roadworthiness has an impact as well. Unfortunately, there is now no understanding of the magnitude and seriousness of this problem, necessitating an urgent search for a long-term remedy.

Road accidents are caused by a variety of factors, including vehicle malfunction. In developing countries like India, a rising proportion of automobiles are not roadworthy. Poor maintenance and servicing of old, out-of-service automobiles not only harms the environment, but also puts people's lives in danger on the road. The implementation and/or enforcement of an effective vehicle inspection system is directly dependent on compliance with vehicle exhaust emission limits or standards for the goal of improving air quality. Because of the fast expansion of public transit, improving vehicle performance and servicing has become an ever-increasing priority. Implementing an effective vehicle inspection system can result in successful air pollution control, as well as a reduction in vehicle emissions and an improvement in roadworthiness.

As a result, the Ministry of Road Transport and Highways plans, with Central aid, to establish one model Inspection & Certification Centre in each State/UT. This is already part of the 11" Five-Year Plan.

Background

India's car population has exploded as a result of the country's rapid economic growth. Since 1991, the Indian government has been enforcing motor vehicle emission rules and has continued to update emission and safety criteria for new vehicles. Before being released on the market, each prototype car undergoes thorough laboratory testing in order to receive Type approval. Following that, automobiles from the vehicle manufacturer's manufacturing line are randomly selected and submitted to emission performance testing and type approval verification, a process known as "Conformity of Production." Vehicle manufacturers have modified their technology to fulfil these strict emissions regulations in terms of Type certification and Conformity of Production. Despite the introduction of Indian safety and emission regulations for new automobiles, there has been no corresponding improvement in ambient air quality or reduction in road-related accidents.

Even though the new technology vehicles meeting stringent emission and safety standards are introduced in the market, there are still a lot of old vehicles operating on the roads. Various studies indicate that a small quantity of ill maintained vehicles attribute to a great extent in ambient air quality problems and thereby leading to the deterioration of urban air quality. Even new vehicles with the state of the art technologies, deteriorate in service and need to be maintained properly if they are to continue to operate at the desired emission levels. Any vehicle, which is not maintained well, would be an environmental and safety hazard to the society.

With the increase in vehicle population, it is essential to ensure that the in use vehicles, which are on road, meet the safety and emission requirements for safe and environmental friendly situation. The vehicle Inspection & Certification program is an effective tool to improve the condition of the in-use vehicle fleet.

Summary

The kind and type of Inspection& maintenance programmer to be implemented in a country differs from country to country as vehicle fleet varies. The main aim is to build a sustainable Inspection & certification system to reduce emissions and improve the safety. The vehicle owners are required to inspect and maintain their vehicles as per the national governing laws of each country. The success of the I&C programmer in any country depends upon the effective implementation of nationwide awareness programmer and law and enforcement effectiveness of concerned authorities.

Finding and Suggestions

Institutional structure

A well designed I&C regime, which is properly implemented, regulated and enforced, would provide the desired results in improvement in safety and emission performance of the vehicles running on road. A strong institutional structure is the necessity for implementation of the I&C regime in India and should have following characteristics.

The Government should act as a regulator and inspection centers should be run by the private sector. The centers should be of the kind of "test only centers" run by single contractor for a given state / region. A smaller number of multi lanes, test only centers are far easier for the Government to supervise and allow better technical and administrative control. Having a small number of high volumes, test only Centre gives rise to easier adoption of new testing technology and result that is more consistent among centers.

The Central Government should frame a regulatory structure specifying lists of tests to be conducted, items to be inspected, frequency for conducting these tests, vehicle inspection fees, phasing of vehicles, defining criteria for selection of private sector for setting up a vehicle inspection Centre. The State Government should identify private sector to be involved, audit the performance of centers, and should be responsible for on road enforcement.

The State Government should estimate the number of test lanes required for various regions (RTO) and private sector should use it as a guide for setting up inspection centers. The program should be linked to insurance of vehicles/payment of all taxes to make it more effective.

Program Content

The I&C regime should have the tests for both safety and emission parameters. The inspection should be a combination with visual and automated test equipment's. Besides, the CNG / LPG safety inspection should also be included in the program, wherever introduced.

For inspection of the vehicles in the automated vehicle inspection centers, detailed vehicle inspection manuals need to be developed. These manuals should prescribe the procedure for testing a vehicle, list of tests to be conducted, methods for conducting the tests. These manuals would have to be prepared for different categories of vehicles and should be available at all test centers and others concerned with the I&C programmer.

Different manuals will be required to cover following range of vehicles. Public service vehicle Heavy goods vehicle Car and light commercial vehicle Three wheeler and Motor Cycle Trailers and tractors vehicle

Auditing Vehicle Inspection Centers

The system of testing should itself be such that the tampering of the test results is not possible. A well-functioning audit and quality assurance system is crucial for the acceptance and success of any I&C regime. Organizations abroad have such features built in their system. The State Transport Department would have to outsource the auditing to any of the renowned automotive testing centers in the country like ARAI or any of the Centers of excellence under the NATRIP project. The auditing shall be conducted at least once in a year. The auditing should cover the following aspects. Presence of necessary equipment and other infrastructure in working condition. Proper calibration audits for equipment Proper inspection procedures being followed by the Centre as detailed in the manual Presence of qualified/trained manpower in the inspection Centre.

The audit should also cover the authenticity of the certificates given, storage, extraction, traceability and security of the data, operator's validity in terms of training, parking area, and security of the vehicles etc. This well qualified team of auditors would make random checks in the inspection centers to check for proper functioning and operation.

The State Transport Department can design an audit plan for all the fitness centers under their jurisdiction. The fitness centers will have to pay for the cost of the audit. The transport authorities will re-validate the license for the fitness checks based on these audit reports from the independent agencies.

A penalty system should be imposed for auditing the performance of the service centers based on the UK model, where, for every different type of offence committed certain penalty points are awarded and after a Centre accumulates a certain number of penalty points, its license is cancelled. This would enable a more transparent form of working. The penalty points could cover offences like: Issuing fake/duplicate fitness certificates Improper inspection procedure followed Inadequate infrastructure, equipment in the vehicles inspection Centre Lack of well trained and qualified staff

Strict Enforcement on Road Safety Laws

The traffic authority would be responsible for checking vehicles for the possession of a valid fitness certificate A legally enforceable sticker that is controlled by the state government, difficult to falsify and that has a highly visual design enabling an officer to identify immediately at 5 meters' distance could serve this purpose. The traffic authority would have to be empowered to stop vehicles without such a valid sticker.

There Should be provision for Proper Data collection and analysis of Schemes and Regulations

To ensure that the new system responds to improvements in vehicle technology and increasingly stringent emission and safety norms, a centralized data collection and analysis function should be vested with the Nodal agency. Centralized common software is required for data transfer, storage, data analysis and uploading to the website, etc. The development of such software can be done by ARAI as recommended by the Nodal agency. The test Centre specifications should also include the software specifications so as to interface with the common software for data analysis.

Also, all the I/C centers in a state should be connected to the State registration authority and in turn all the state transport authorities are to be networked under the Central Government for data sharing and data analysis.

Human Resources Development

For effective implementation of the I&C regime, manpower training and capacity building is necessary. Such training programmers and course content have to be centrally developed and the training should be imparted by the independent agencies. The training and refresher training have to be provided for the following target groups: (i) Staff, attendants and motor vehicle inspectors at the vehicle inspection centers. (ii) Auditors for auditing performance of inspection centers and staff of state transport departments.

Training modules need to be prepared for the above target groups that specify the contents, schedule and, duration of the programmer, and the period for refresher courses. In addition to the training, the manpower also should undergo refreshment courses to update their skills and knowledge. The training calendar have to be developed by the private operators for the personnel who are operating the centers and nominate them to the training courses provided by the appointed centers as designated by the State Transport Department. The state governments can pay the fees for the training programmer, which can be recovered from the vehicle inspection Centre in form of fees/taxes.

Provisions for Public awareness campaign in all Level

A consumer awareness campaign should be launched with the help of schools, NGOs, community-based organizations, automobile associations, and research institutes. The TV / Cable network media can provide a wide coverage of the benefits of the I&C to the individual owners. This mass consumer awareness campaign to be run on a regular basis should focus on making the consumer aware of the following issues: Advantages of an inspection and maintenance programmer for a vehicle owner. The process followed in the inspection of a vehicle. How a vehicle owner must maintain the vehicles? Frequency of an inspection programmer. Location of authorized vehicle repair and maintenance centers. A car inspection center's roles and responsibilities. List of authorized automobile testing stations and their locations. Inspection programmers' legal status and penalty levied for violations.

The awareness of the public is essential for the success of the program. One option of considering the participation of the general public in identifying the gross polluting vehicles which are visibly emitting higher smoke and provide information of such vehicles to the regulating authorities is through SMS, email and toll free telephone no. A website development and maintenance for the public to post the suggestions and remedial measures could be an added advantage for improving the effectiveness of the system.

Maintenance Program

Though the Inspection and certification (I/C) centers would identify the grossly polluting and unsafe vehicles, it is necessary that there is an efficient maintenance system in place to rectify the vehicles that have failed in the I/C centers. For ensuring effective maintenance of vehicles, the motor vehicle repair workshops should have trained mechanics, proper equipment and procedure, and quality assurance checks. Also there should be proportionate number of such workshops established in the country to serve the vehicle owners effectively. Currently, in India, the motor vehicle repair workshops are authorized by the vehicle manufactures and many small-scale motor vehicle repair workshops exist in India along the roadside. These roadside repair workshops do not have the necessary equipment, procedures or trained mechanics to carry out proper maintenance of vehicles. As a result, some vehicles continue to pose a major threat and create nuisance with respect to emission and safety even after they have been maintained by such workshops. There is, therefore, an urgent need for motor vehicle repair workshops to upgrade. The certification of motor vehicle repair workshops will allow individual vehicle owners and vehicle fleet owners to make informed choices in engaging certified workshops for maintenance of their vehicles to ensure vehicles remain in good working condition with respect to emission and safety. The certification scheme will also encourage operators of motor vehicle repair workshops to develop and enhance their technical expertise in maintaining vehicles.

Legislative reforms

The following legislative provisions would need to be changed for successful implementation of the above-mentioned recommendations. The list of parameters to be checked at the time of fitness check, given in Rule 62 of the CMVR (Central Motor Vehicles Rules) 1989 would need to be modified to include more items concerning safety and environmental parameters requiring regular checks using the automated test equipment's in a vehicle inspection center. Valid insurance and payment of all taxes would need to be made a prerequisite for fitness test. Accede of practice would need to be prescribed for management of authorized vehicle testing stations under Rule 63 of the CMVR, 1989.State

Governments would need to authorize such centers for testing of vehicles under Section 56 of the Act.

The speed limit of the vehicles should be fixed in hilly areas like Shimla, District of Himachal Pradesh. If anyone who broke the rule should be punished or may imposed the fine according to the traffic rules.

Seat belts should not be necessary in hilly areas because in hilly areas if accident happened seat belt will lock the person and they will not be able to escape from the vehicle and the chance of survival would be less compare to plane areas where seat belt is must.

In hilly areas only crash test passed vehicles should be allowed so that there would be proper protection and safety of the person and chance of survival are more.

REFERENCES

1. Aggarwal N.D, "National policy on Accidents: Medical-Legal Aspects Journal of Transport Management, June 1988 p 143.
2. Agrawal A. N., "Indian Economy: Problems of Development and Planning", Wishwa Prakashan Publication, New Delhi, 2003.
3. Anbalagan P and Suyambukanni N, "Non-Motorized Transport (with special reference to Bicycles in Chennai City)" Indian Journal of Transport Management, Oct-Dec 2010, Vol. 34(4), pp. 273-284.
4. B.L.Banasal, Digest of Accident Claims Compensation 1939 - 1996 (1997)
5. Bakshi P.M's, " Accident Victims and the Criminal Law" Law 3 JILI, 1988 P-566 413
6. Bagade M.V, "Designing safety index for STUs", Journal of Transport Management, June 1988, pp. 373-379.
7. Kalyanraman, S.R. & T.R. Sehgal, "Methods for Estimating Future Road Traffic, Journal of the Indian Roads Congress", (1968)s.
8. Kappor, Sudesh, "Road Safety needs high priority" Indian Journal of Transport Management, (1993).
9. Khurana B.S, "Only safe conduct can bring safety on roads" Journal of Transport Management, May 1988, pp. 175-178.
10. Khurana, B.S. "Only safe conduct can bring safety on roads" Journal of Transport Management, (1988).
11. www.answers.com/mac%437legaldictionary
12. www.aptransport.org/html/accidents.htm
13. www.indiaconnect.com
14. www.indiabike.com
15. www.niacl.com
16. www.lawguru.com
17. www.bimaonline.com
18. https://morth.nic.in/sites/default/files/RA_Uploading.
19. https://egazette.nic.in/WriteReadData/2019/210413
20. https://morth.nic.in/sites/default/files/circulars_document/Final_guidelines_of_IC_Scheme_circulated
21. https://morth.nic.in/sites/default/files/Revised_Scheme_Guidelines:
22. https://ncrb.gov.in/sites/default/files/ADSI_2020_FULL_REPORT.
23. https://egazette.nic.in/WriteReadData/2019/210413