Amended Motor Vehicles law

What is the issue?

- The Motor Vehicles (Amendment) Bill, 2019 was passed by the Parliament on July 31, 2019.
- Stricter penalty, one of the amended provisions may not be effective in acting as a deterrent to traffic crashes.

What is the law?

- The amended Motor Vehicles law has 63 clauses with the aim of **reducing road traffic fatalities and injuries** in India.
- The amended MVA has several new provisions:
    1. Increased compensation for road accident victims,
    2. Motor Vehicle Accident fund,
    3. Defining a good Samaritan,
    4. Recall of a defective motor vehicle,
    5. Development of a National Transportation Policy,
    6. National Road Safety Board,
    7. Recognising taxi aggregators,
    8. Increased penalties for several offences.
- All these are intended to reduce traffic crashes by at least 50% by 2030 (a target set by the United Nations).
- Out of the amendments proposed in the Act, the increased penalties have been implemented in many States from September 1, 2019.
- At the same time, many States have decided to dilute the suggested increase in penalties.

Will penalties be deterrents?

- New penalties have been introduced for
    1. Faulty registration details,
    2. The contractor who is responsible for a faulty road design or has not followed standards,
    3. Guardians of juvenile offenders.
- There is no correlation between stricter penalties and a reduction in road traffic crashes in countries where road traffic deaths have reduced over the years.

- The idea of higher fines as a deterrent to traffic crashes is based on the assumption that a driver due to the fear of a higher penalty will encourage "careful" behaviour while on the road.
- This goes against the scientific understanding in reducing traffic crashes that promotes the system's design which can forgive mistakes made by road users.

What design changes could be done?

- Road safety experts' say - Road designs such as number of lanes and its width, shoulder presence, etc influence and modify driving behaviour.
- Therefore, roads themselves play an important role in road safety.
- Improved geometry design and infrastructure could help to improve road safety.
- Road engineers can change the road design to reduce boredom and monotony which causes the drives to fall asleep.
- The safety interventions have to be based on three important principles:
    1. Recognition of human frailty,
    2. Acceptance of human error,
    3. Creation of a forgiving environment and appropriate crash energy management.
- Unless safety performance is evaluated, road standards cannot ensure safe roads for all.

What are the concerns?

- There is a **very different traffic mix** in Indian highways as compared to the countries where most highway standards have been developed.
- This is due to the density of small towns and villages along highways and the presence of many kinds of vehicles on these highways.
- Fatalities continue to grow despite the major investments made in expanding the national highway system in India.
- '**The Million Death' study** - Reported by the Registrar General and Census Commissioner, Government of India.
- It reports that there is at least a 50% under-reporting of traffic fatalities.
- It says that pedestrian and motorised two wheelers have higher share as Road Traffic Collision victims.
- The MVA amendments do not address the reliability of crash estimates, which form the basis of designing preventive strategies.

What approach should be used?

- The road safety data is analysed in order to understand why crashes occur,

which factors influence risks and what determines crash severity.
- Then, based on this understanding, reliable conclusions are arrived at on how to prevent them most effectively and efficiently.
- This is called a **data-driven approach**.
- In this approach, priorities are derived by using crash data, background data, exposure data and data on safety performance indicators.
- This is what researchers call as a scientific method and evidence-based interventions.
- India has still not created a culture of producing scientific evidence for designing preventive strategies.

Why stricter penalties won't be effective?

- A report from New South Wales, Australia in 2007 evaluated the effectiveness of stricter penalties.
- It suggested that substantial increase in stricter penalties would have limited potential in deterring repeated offenders.
- There is no evidence for a relationship between the fine amount and the likelihood that an offender will return to court for a new driving offence.
- There was no evidence to suggest that longer license disqualification periods reduced the likelihood of an offender repeating it.
- Increased fines alone, as suggested in the amended MVA, will not have the intended effect of reducing traffic crashes.

What could be done?

- Current traffic safety science suggests that if road users do not have their share of responsibility, the road designers must take further measures to prevent people from being killed or seriously injured.
- Therefore, there is a need in India to reduce the growing health burden due to traffic crashes.
- This requires establishing a system or institutional structure which enables the generation of new knowledge-new road standards thereby ensuring safe highways and urban roads.

Source: The Hindu