ROAD SAFETY MANAGEMENT AND LAW IN INDIA: TAKING LESSONS FROM EUROPEAN MODEL

Sarvesh Kumar Shahi1, Prateek Mishra2
1Assistant Professor, School of Law, KIIT University Bhubaneshwar,
2Assistant Professor, School of Law, KIIT University Bhubaneshwar

ABSTRACT

The path over which vehicles and other traffic may lawfully pass is called road. There are several rules and regulations for using the road safely. These rules help to keep traffic moving safely. With the constant rise in the number of vehicles on the road, the traffic conditions are under a lot of pressure. Therefore, road safety can certainly be considered to be one of the most serious public health concern in our country. It has various socio-economic-psychological impacts.

The researchers, through this research paper, are focussing on legal and managerial measures for controlling traffic and preventing road accidents in the country. The whole discussion is emphasizing upon the analysis of legislative and policy based model of road safety measures in India comparing it with the European model. Further, the researchers are trying to put certain policy based suggestions giving scope for future changes in the law relating to road safety management in the country. During the whole research, the focus is on the efforts made by the governments to mitigate road accidents by enhancing infrastructural changes and judicial decisions seeking the enforcement of law in proper manner and directions in regard of the road safety measures.

Keywords: Road Safety, Law, Management, Policy, Government

I. INTRODUCTION

Road traffic accidents tops the cause list of deaths occurring in developed as well as developing countries. By the year 2030, road traffic injuries are predicted to be the fifth leading cause of death worldwide and the seventh leading cause of disability (Taft, 2002).

Recently, the Union Minister for Road Transport and Highways released the World Bank Report, 2020 titled “Traffic Crash Injuries And Disabilities: The Burden on India Society”. Report states that Road traffic accidents are primarily responsible for ending the lives of more than a million people every year and almost half a million people suffer non fatal injuries, some of which lead to incurring of lifelong disability. As per the recent report published by the Indian Ministry of Road Transport and Highways based on findings of its research wing, that in the year 2019 480,652 road accidents took the life of 1,51,113 people. The average rate of death amounts to 414 deaths per day and almost 17 deaths every hour. The report highlighted the dubious distinction of India of topping the list of road fatalities followed by China(63903 deaths in 212,846 accidents) and United States (37461 deaths in 2211439 accidents). The percentage of death upon road accident fatality is extremely depressing as road accidents amount to 31 percent deaths in India closely followed by China 30 percent deaths and the least in United States 0.01 percent. It is quite evident by the abovementioned statistics that United states has indeed been successful in reducing its road fatalities mainly for its expedient response time to treat the injured victims of life threatening road accidents. If we analyze the Indian data with respect to State wise road fatalities, maximum amount of road accidents are reported in Tamil Nadu (57,228), followed by Madhya Pradesh (50,669), Uttar Pradesh (42,572), Kerala (41,111) and Karnataka (40,658) accidents. City wise the road accidents fatalities are lead by Delhi (1463 deaths ) closely followed by Jaipur(1283 deaths), Chennai (1,252) and Bengaluru (768). Recently a Status report with respect to Road Safety was released by the Indian Institute of Technology Delhi as per which in the year 2018 alone road accidents in India let to 469,418 injuries and 151417 deaths which is slightly less than the number of deaths in the year 2017 as per the Global Global Burden of Diseases, Injuries, and Risk Factors Study (218,876 deaths) and National Burden Estimates Study(2,75,000 deaths)
The improvement in healthcare system and the advancement of medical science has definitely decreased the deaths caused by infectious disease in the last two decades but the deaths caused by road accidents has been on a rampant rise which is evident from the fact that road traffic injuries has become the tenth leading cause of loss of human life in the year 2016 from being the sixteenth leading cause of loss of human life in the year 1990.

These data depict the scenario prior to imposition of the Lockdown in the year 2020 due to the Corona Pandemic. Since the lockdown has been announced, road fatalities are down 62 percent. This was primarily due to the fact that there were fewer vehicles on the roads as both private and public means of transport came to a virtual standstill. This is as per data provided by 24 states and Union Territories to the Supreme Court Committee on Road Safety, a body which maintains a nationwide database, provides advisories and action plans for corrective measures.

According to a research paper published in the Public Health journal released by Lancet, road injury was considered as the leading cause of death of male adolescent and young people who are in the age of 15 to 39 years age and the second leading cause of death of both the sexes belonging to the same age group. As per the research findings, more than half of 2.2 lakh road injury deaths in India in 2017 were among pedestrians and motorcyclists.

The above mentioned data shows the impact on not only the society but also the economy of the country. At the individual level, road crash injuries and deaths impose a severe financial burden and push entire (non-poor) households into poverty and the already poor into debt. Every road accident death causes depletion of nearly seven months’ household income in poor families, and pushes the kin of victims in a cycle of poverty and debt. As far as economic impact of such fatalities are concerned, Socio-economic cost of Road Crashes is equivalent to 0.77% of the GDP. More than 70% of people who are killed in road crashes are in their prime working-age, 18-45 years.

Keeping these factors in mind the Indian government has recently made a major amendment in Motor Vehicles Act, 1988 and redrafted it as Motor Vehicle Amendment Act, 2019. Judiciary has also changed its approach of resolving the issue by giving number of directions for road safety to the government and helped it in policy making.

To understand the causes of road accident and the effect or impact of it, the analytical discussion is much needed on road safety measures undertaken by the Indian government and comparing it with the European nations for proper implementation of laws and execution of infrastructure policies for a safe future of the tax payer citizens.

CONCEPT OF ROAD SAFETY

Since time immemorial roads have served as facilitator for movement of people and resources across destinations. The roads which provide mobility and access on one hand, also puts peoples life at peril due to road accidents. Road safety is usually defined within the parameter of number of accidents and its consequential result i.e death or injury. Safety with respect to motor vehicle is defined as the absence or non existence of any kind of risk or danger. Road safety is often characterized by an individuals ability to travel freely without suffering any kind of risk or injury which might lead to disability or death. The rationale of a perfect road transportation system revolves around the premise that roads are accessible to all and there is absence of accidents. But the reality depicts a disturbing scenario as the frequency of crashes and the resultant deaths are quite high. The challenges faced by any government with respect to road safety are quite wide and a number of measures have been taken from vehicular design to human behaviour with the sole objective of reducing fatalities due to road accidents.

II. CAUSES OF ROAD ACCIDENTS

The reason behind high frequency of road accidents worldwide can be related to a number of reasons. But the human error element in such kinds of accidents is the biggest culprit. Some of the human error related factors which effect the road safety are as follows:

a) Overspeeding or driving beyond the prescribed speed limits set by the government

b) Negligence in wearing helmets and using seatbelts by both the drivers as well as the pillian riders

c) Drunken or Intoxicated driving which as per the reports of the Ministry of Road Transport and Highway is primarily responsible for about twenty five percent of the road accidents.
d) Deplorable condition of the vehicles on the road. Many vehicles in India are not fit enough to operate on the roads in India. Operability of unfit vehicle is not only a threat to the road safety but also to the environment.

e) Engaging in multitasking activities while driving like texting and talking in mobile phones while driving

f) Blatant violation of traffic rules, signs and signals by the drivers

g) Drive fatigue

h) Pedestrian Negligence or by the people crossing the road

There are other miscellaneous factors causing road accidents such as -

Perilous Road Environments

It mainly refers to the those factors which are beyond the control of the victim driver in case of road accidents like absence of street lights which makes driving difficult, vehicular technical defects, poor safety features in vehicle like crash bags or factors which are beyond their control like sudden incoming of people or vehicles en route.

Accidents Due to Heavy Rain

Torrential and heavy rain has been the root cause for slippery and treacherous roads which often makes driving a nightmare in our country. Moreover most of the roads in India are non concrete which over the course of time leads to ditches where water gets accumulated. The road infrastructure plan often neglects the issues of water accumulation in roads due to heavy precipitation. These accidents can be easily avoided if people are cautious enough to wait for the storm to pass and the local government authorities restrict the movement of vehicles during such stormy times.

Vehicular Design Defects

Vehicular design flaws can also be a root cause of accidents. Most of the cars that are presently running in our country perform miserably in the crash tests conducted by NCAP since 2014. It is baffling to note that in the recently conducted crash test conducted by NCAP in April 2021 of 28 newly launched vehicles of various Indian and Foreign Automobile countries only three cars were able to get a 5 star rating and only one car was able to get an aggregate score of 40 plus out 49. These ratings are done keeping in mind the adult and child safety ratings in case of road crash. Most of the cars have performed poorly with respect to child safety. Safety features in car are key in mitigating deaths caused due to road accidents.

Animals on roads

Collusion with wild as well as stray animals in roads as been another root cause of road accidents in India. Due to lack of fencing of forests and no fine and punishment for leaving of cattle in the road so that they can self feed themselves also contributes to a certain number of road accidents.

Thus road accidental casualties and deaths can be considered as one of the major threat to human health and safety in India. Rapid urbanization has definitely contributed to development but at the same time heavy congestion of vehicles has also contributed to rising road fatalities. The probability of pedestrian death is estimated at less than 10% at impact speeds of 30 km/h and greater than 80% at 50 km/h, and the relationship increase in fatalities and increase in impact velocities is governed by a power of four (Leaf and Preusser 1999, Koornstra 2007).

III. IMPACT OF ROAD ACCIDENTS

The burden of road traffic accidents, which is generally assessed in the parameters of mortality and morbidity, is definitely on rampant rise due to rapid motorisation that can be credited with economic growth. The situation is quite severe in India, a nation with billion plus population, where road accidents have become one of the leading death causes of both death and trauma. For every death due to road accidents, there are three victims who are permanently disabled. From mild to severe injuries, a road traffic crash can have a significant social and economic impact on the individual, family and the society. The impact of these injuries remains poorly measured in India.
Social and Economic Impact

Rapid rising motorization across the globe has a multitude of effects not only restricted to road safety but also with respect to pollution (specially air and noise pollution), quality of life, depletion of natural resources like petroleum and social inequalities. But the impact of death or disability due to road accidents is quite expedient as compared to the other impacts. A road accident which causes death or disability of an earning member of a family or a dependent cripples a family not only emotionally but also economically. To add to that the increasing costs of litigation and the cumbersome procedure of recovery from the motor vehicle insurance companies definitely adds to the woes of the victim and his family. The socio economic consequences of road traffic accidents includes the loss of productivity of the victims, the cost of the legal system in adjudicating and penalizing the perpetrator, the cost of pain and suffering and loss of quality of life of the victim and their family. The loss of productivity represents a significant proportion of the total social costs.

The economic implication of road accidents is assessed within the parameters of costs involved, depreciation of human capital stock, withdrawal of savings for emergency treatments and loss of productive man hours of the victim and his family members. The economic impact has both direct as well as indirect costs. The Direct Costs are the costs that are incurred by Public Health Agencies which are entirely funded by the Central Government. While the indirect costs result in loss of national income due to the loss of productivity and labour hours of the human capital (Damien, 1994; Jagnoor et al., 2015). Gorea (2016) emphasized that the financial damages of road accidents have both immediate and long-term consequences for the victims and their families. The costs of road accidents to individuals, government and private property owners, and society are significant (Wang, Quddus, & Ison, 2009).

In compare the Indian scenario with the economic losses associated with RA-caused traumatism in Europe are estimated on the average to amount to 2% of GDP. According to Russian Association of Motor Insurers, road accident-caused material losses in RF amount to 2.5% of GDP. Therefore, there is a definite correlation between economic development of the country and traffic safety. Thus we can reach a conclusion that economic losses due to road accidents is a much higher than the costs that shall be incurred in ensuring road safety. A recent report which was commissioned by the Global Road Safety Partnership of the World Bank summarises the efforts in the area and concludes that overall it does appear that in most countries, costs exceed 1 per cent of GDP which may now be considered to be an underestimate of national accident costs. The National road safety policy needs a major overhaul in developing countries like India which is likely to experience rising road traffic courtesy rapid motorization. The National Road safety plan should definitely address all the above-mentioned issues and implications of road accidents.

IV. ROAD SAFETY STEPS AT GLOBAL LEVEL:

Under International Law, it all started with the 1949 and 1968 Conventions on Road Traffic, followed by a Convention on Road Signs and Signals 1968. A number of bilateral and multilateral Vehicle Regulation Agreements were signed in the years 1958, 1997 and 1998. In the year 1957 an European Agreement for the international carriage of dangerous goods by road which was followed by a 1970 European Agreement concerning the work of crews of vehicles engaged in international road transport. In the year 1958 an Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts in order to ensure there is a parity in manufacturing of safe automobiles by all the automobile manufacturers. In the year 1997 an Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles to create accountability in case of vehicular defects. 1998 Agreement concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts. 1957 Agreement concerning the International Carriage of Dangerous Goods by Road (ADR).

Later, The United Nations General Assembly (GA), in its resolution 64/255 ‘Improving global road safety,’ declared 2011–2020 as the Decade of Action for Road Safety with the goal to, “stabilize and reduce the forecast level of road traffic fatalities around the world by increasing activities conducted at the national, regional and global levels”.

In resolution 70/1 ‘Transforming our world: the 2030 Agenda for Sustainable Development,’ the GA adopted a set of universal and transformative Sustainable Development Goals of which two are related to road safety. Target 3.6 reiterates the aim of halving, by 2020, the number of global deaths and injuries from road traffic accidents, while Target 11.2 aims to provide by 2030 access to safe, affordable, accessible and sustainable
transport systems for all; and improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons.

Managerial and Legal Steps

A United Nations Security Management System (UNSMS) policy on Road Safety was promulgated in the year 2011, setting worldwide safe practices for operating the vehicles of all the United Nations bodies and identifying requirements for United Nations organizations and personnel. A survey conducted in 2016 by the Inter-Agency Security Management Network (IASMN) Working Group on Road Safety Strategy demonstrated that some organizations have made significant strides by developing road safety strategies and policies, awareness campaigns and feet management guidelines; however, such progress has been isolated to a few organizations. The United Nations as a global organization has this moral and institutional responsibility to follow the international standards laid down by it to the letter and spirit. It is also imperative that entities within the United Nations system lead by example by reducing the number of road crashes and related losses incurred or caused by United Nations personnel.

European Model

In the previous two decades the European Union has witnessed substantial improvements with respect to road safety especially with respect to fatalities and injuries. Between 2001 to 2010 the number of deaths due to road accidents has decreased by almost 43% and between 2011 to present it has further decreased by 20%. The road accidents in EU is unevenly distributed and the reason behind the same is the North South Divide. The North Western European countries have implemented effectively and efficiently the policies and standards laid down as per the European Road Safety strategy but certain Southern European country have showcased policy paralysis in this regard. Apart from this pertinent North South Divide there also exists the East West Divide as the new members who have joined EU recently have still failed to implement the European Road Safety Strategy. But still considering the entire European Union has whole in the year 2018 the road accident deaths was 25,407 which less than 1% in 2017 and 4% as compared to the previous 5 years. Still it has fallen short of the objective which was set out in the European Road Safety Strategy i.e to reduce traffic fatalities by 50% by the end of the year 2020 in compassion to the traffic fatalities figures available for the year 2020. But the European Union is optimistic to reduce the deaths and serious injuries by around 50 percent by the end of 2030. Substantial legislative framework is introduced in this regard, for instance third clause of Article 91 of the Treaty on the Functioning of the European Union empowers the European parliament as well as the council to lay down the measures to improve transport safety. Emphasizing on the technical safety of the Vehicles the EU came out with the following three directives in the year 2014, which has been hailed as road worthiness package

i. Directive 2014/45/EU: Periodic and regular road worthiness test for both the vehicles as well as the trailers


iii. Directive 2014/47/EU: Technical roadside inspection of all the commercial vehicles in the EU

This roadworthiness package has certainly created uniformity in the vehicle testing as it has prescribed the common minimum standards of instruments, mandatory inclusion of e safety components like ABS and Air bags. and compulsory testing of heavy motorcycle whose size is greater than 125 cubic centimeter from the year 2022 unless the member state introduces an alternative equivalent road safety enhancement.

EU legislation on the technical harmonisation of vehicles also covers the compulsory use of seat belts in vehicles under 3.5 tonnes in weight (Directive 2003/20/EC), the compulsory installation of speed limitation devices for certain categories of motor vehicles (Directive 2002/85/EC), provisions on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users (Regulation (EC) No 78/2009) or measures to improve road user safety by reducing the ‘blind spot’ in certain vehicles.

On transport of dangerous goods, an area traditionally governed by international agreements, the EU developed legislation to convert these rules into specific directives applying to all transport in the EU. Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road extended the rules laid down in the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) to domestic transport.
eCall (automatic emergency call system)
EU Regulation 2015/758 (or popularly known as 'eCall Regulation') which primarily concerns type-approval requirements for the deployment of the eCall in-vehicle system, based on the 112 service, was adopted so that there can be an automatic distress call based on accidental impact of the vehicle. This system is expected to substantially reduce the response time by providing the exact location of the accidents and facilitate the prompt medical response to save the victim during the golden hour i.e the first hour post the accident. Rules addressing the issue of privacy and data protection has also been incorporated within the ambit of this legislation. Another piece of legislation relating to road safety is Directive (EU) 2015/413 (or 'CBE directive'), which shall facilitate information exchange among the EU members on offenses relating to traffic accidents. This has put an end to the right of anonymity of a non resident drivers and has facilitated the prosecution of the accused for offences committed in a member state. The information exchange programme has given the access to each members to the vehicle registration data base of other member nations which makes the tracking of the offender quite easier.

The European Road Safety Charter which was announced in the 2003 is considered to be the largest civil society platform on road safety, and brings together more than 3 800 public and private entities, companies, associations, local authorities, research institutions, universities and schools, the Charter aims to encourage civil society to take prompt and corrective action on road safety in Europe; acknowledges the contributions made by civil society to ensure road safety; facilitate the acquisition as well as the sharing of knowledge on road safety, as well as encouraging, at all the levels of governance, dialogue and exchange of road safety experiences and practices.

In its resolution of 14 November 2017 on 'Saving lives: Boosting car safety in the EU', the European Parliament has urged the European Commission, to reduce the quantum of serious injuries by half between 2020 to 2030 in consonance of the 2017 Valeletta Declaration. The resolution also contained various recommendations with respect to driver assistance system, safety measures for prevention and mitigation of accidents and development of a proper driver assistance system. The European Parliament in the year 2019 has rightly speculated that fully or highly automated vehicles are the future. There needs to be a regulatory framework made for such automated and electronic vehicles. The regulatory framework should address key issues like safe passage, safe operation, owners and manufacturers liabilities among others.

The European Commissions communication on a European Strategy on cooperative intelligent transport system with the objective of decarbonising the transport system which will comprise of both manual and automated vehicles and to achieve the vision zero in road safety. Vision zero in road safety aims at zilch mortality and morbidity post road accidents. All the issues with respect to privacy, data protection and cybersecurity has been duly addressed in this strategy. The European Parliament has urged the Commission to implement it immediately without further delay and within a stipulated timeline. The road safety quality framework announced by the Commission for the period 2021-2030 has included new framework for regulation of automated vehicles and various standards for infrastructural safety.

5.2.2.Ranking EU Progress On Road Safety
As per the Road safety performance index report, released during the previous year 22,660 people lost their lives on EU roads in the year 2019, representing a 3% reduction in comparison to the road accidents in the year 2018. One half of the 32 countries who agreed to be monitored under this programme registered decrease in road fatalities in the year 2019 as compared to the previous year. Luxembourg (39% reduction) performed the best followed by Sweden(32%) , Estonia(22 %) and Switzerland (20%). Only three member countries namely Israel, Denmark and Slovenia saw a rise in road deaths of more than 10%.

The new “General Safety Regulation” comprises a number of updated minimum safety requirements for new vehicles, most of them will come into force starting in 2022. The legislation makes mandatory inclusion of number of vehicle safety features like an Automated Emergency Braking (AEB) and overridable Intelligent Speed Assistance (ISA) as standard on new vehicles sold on the EU market.

New heavy goods vehicles will also have to comply with improved direct vision requirements as of 2026 and be fitted with advanced systems capable of detecting pedestrians and cyclists located in close proximity. Passive safety of cars will also be improved by extending the crash test zone to include the windshield between the A-pillars for better pedestrian and cyclist protection.
Starting at 2021, the new Minimum Infrastructure Safety Management systems as set by the updated Directive 2019/19365 will be applicable beyond the TEN-T organization and will apply to all motorways, every "essential road" and all non-metropolitan streets that get EU financing.

The proposed measures were assessed to save more than 3000 lives and mitigate in excess of 20,000 fatalities over the period 2020-2030. The principle changes under the modified enactment incorporate expanding the ambit beyond the trans-European vehicle network streets (TEN-T) to essential road networks, more accountability, network-wide danger appraisal and fortifying the prerequisites to secure vulnerable users of road. Normal details will likewise be drawn up for street markings and street signs for roads with heavy traffic. Among the forthcoming significant EU drives are the modifications of the driving permit and cross-line requirement orders just as a proposal for a Sustainable and Smart versatility procedure. The timeline of the EU white paper “Guide to a Single European Transport Area – Towards a competitive and resource efficient transport system” has ended last year. It is of most extreme significance to guarantee that road and driver safety remains the utmost priority in the forthcoming year.

The European model can become the guiding force for a broad worldwide procedure to battle the menace of road accidents as examined during the Third Global Ministerial Conference on Road Safety in February 2020 and expressed in the Stockholm Declaration which has rightfully associated road safety with sustainable development.

5.2.3. Switzerland:
The Swiss government has done a laudable job in reducing the deaths due to road accidents by 20% in the year 2019 as compared to 2018 and by 43% as compared to 2010. Stringent laws like alcohol ban for drivers, compulsory use of lights during driving even during daytime, two years of license withdrawal in case of over speeding are some of measures taken by the Swiss government to keep a check on road accidents and to ensure road safety.

5.2.4. Germany
Germany witnessed a 7% reduction in road traffic fatalities in the year 2019 as compared to 2018. However this is considered to be a substantial decrease as compared to the last few decades. The reduction of road deaths of motorcyclist (around 15%) and passenger good vehicles (around 14%) is indeed an encouraging number. The German Government took a number of measures like specifying distance to be maintained while overtaking pedestrian and cyclists (around 2 meters), reduction to walkable speed (around 4-7 kilometer per hour) while taking turns and a months driving ban if found over speeding by 20 km per hour and fine of €20. However the fine and ban is considered to be quite less as compared to other EU nations like France which has a fine of €135 for over speeding and Switzerland which has a 2 years license withdrawal for over speeding.

5.2.5. Greece:
The Greek government has been successful in reducing the road deaths by 44 percent and 67 percent reduction in critical injuries since 2010. It has reported the best figures in road death reduction amongst all the EU members. The main credit behind this achievement goes to the well planned road infrastructure development of the Greek Government, running awareness campaigns, executives encouragement to use public transport, hefty fines for traffic infringements and stringent penalty for drunken driving.

ROAD SAFETY STEPS IN INDIA
India has the second largest road networks in the world and accounts for 10% of worldwide road fatalities. Road safety is a State subject under Indian Constitution. Laws regulating the traffic on the road are provided under the Motor Vehicles Act, 1988 (now amended through Motor Vehicles (Amendment) Act, 2019) is an Act of passed by the Parliament of India which came into force from July 1, 1989 and is applicable to whole of India however lapses in traffic laws regulations, violations and accidents are glaring reality.

The Motor Vehicles (Amendment) Act, 2019 aims to improve road safety in India by amending Motor Vehicles Act, 1988. As per the 2019 Amendment the fine for driving without authorization and license has been increased to 5000 which is five times as compared to earlier fine. Similarly the penalty for authorized driving without license has been increased tenfold to Rs 5000. The punishment for drunken driving has also been made quite stringent for the first as well as subsequent offence. The first offence is punishable with an imprisonment upto 6 months and/or fine upto Rs 10,000 and the subsequent offence is punishable with maximum 2 years of
imprisonment and/or Rs 15000 as fine. The Amendment Act has empowered the State Government to impose hefty penalties on overloaded vehicles. In pursuance of National Road Safety Policy 2020 a number of measures have been taken by the government to reduce road deaths like Highway Patrolling, mandatory double helmet for rider as well as pillian, installation of more number of CCTV and Cameras across traffic signals and others.

Recent Steps taken by Indian Judiciary

Several judicial directives in recent times are aimed at strong actions to be taken by governments. Recently, Supreme Court in a PIL (S.Rajaseekaran (II) vs Union Of India And Ors. (2018) 13 SCC 516) filed by an orthopaedic surgeon has heard the prayer of enforcement of road safety norms and appropriate treatment of accident victims. Supreme Court has issued about 25 directives to State Governments and the Union territories and directed them to take its implementation with utmost seriousness and earnestness. Some of these measures are to establish Road Safety Council at State Level and Road Safety committees at district level, setting up a permanent road safety cell, designing a suitable road safety action plan, creating a road safety funds to develop the road safety infrastructure and others. Justice Madan Lokur and Justice Deepak Gupta have also directed the state government and U.T Administration to set up a special force which shall patrol the National Highways and the State Highways.

In the same year, the case of State of Tamil Nadu and Ors. v K. Balu and Anr. (2018) 13 SCC 129, brings to light the increasing number of road accidents concentrated around highways brought about by the influence of liquor. Various reports given by the Ministry of Road Transport and Highways provide statistics for such accidents. In status quo, the judgment in this case is being upheld and a conditional ban has been imposed on the sale of liquor within a 500-metre radius from State and National highways since April 2017. Court had pointed out that sale and consumption of alcohol is not a fundamental right enshrined under Indian Constitution.

In State of Karnataka vs Muralidhar, (2009) 4 SCC 463, Supreme Court suggested measures that we have the tools needed to combat this epidemic. In the developed nations, proven methods such as enforcement of laws regarding driving under the influence of alcohol or drugs, reducing speed limits, and requiring seat belts and restraints have shown significant reduction in traffic fatalities. Road design and road environment, vehicle design, and road safety standards are also strategies that successfully address traffic safety.

Proven interventions for developed countries require research, modification, and testing for developing countries. For example, developing countries face poorly designed and maintained roadways, unsafe vehicles, drivers under the influence of drugs or alcohol, lack of national policies, and inadequate enforcement. Success will require significant new resources supported by sustained political commitment.

Likewise, in various previous judgements the judiciary, from time to time, tried to wake up the government on major issues pertaining to road safety and as a result of which, the government has reframed its schemes and policies and came with latest amendments in motor vehicle act.

V. CONCLUSION AND SUGGESTIONS

The roadmap to road safety and accidental death mitigation needs to be prepared and developed by keeping in mind the best practices around the world. The European Union has laid down some successful standards and has devised some powerful procedures to ensure reduction in accidental injuries and deaths. Some of the best practices can be applied in our country like regular vehicular inspection to ensure vehicle safety, vehicular permission to enter market after satisfying higher prescribed limits of crash tests, suspension of license for a certain period of time of drivers guilty of overspeeding, setting of vehicular distance parameters during overtaking, mandatory installation of safety systems like ABS, AEB, ISA, random vehicular inspection to check road worthiness and full implementation of the road safety provisions in the motor vehicle (amendment) Act 2019 and taking lessons from European countries to enhance the road infrastructure by preparing a user manual for road users to avoid more deaths due to road accidents. Although automation and Artificial Intelligence can reduce to a certain extent road fatalities but in the end the entire onus lies upon the driver to drive his vehicle with utmost responsibility for himself as well as for his fellow drivers in the road.

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