



Transportation law to meet the challenges of the growing roadways in modern India and provide safety for the well being of human civilization

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Abstract

A new transportation policy and law is required to reduce road accidents, air pollution and promote electric vehicles. We need to double the charges for breaking the rules, especially in cases of over speeding and not wearing a helmet which is the main cause of accidents happening in the country followed by driving on the wrong land, driving without license. We require infrastructure growth followed by repairing of roads, there is constant water logging in most parts of India due to heavy rainfall, which brings everything to a standstill for many days. The government has been working on national highways and have constructed new highways, connecting cities with less distance and majority are connected with the capital of India. In order to control pollution different states have introduced their own laws like in Delhi we have the even-odd scheme to reduce congestion, boost urban mobility and reduce pollution, the demand for private vehicles have been increasing with rising population, with car loans and insurance policy, people can own easily purchase private cars.

Keywords: transport law, infrastructure, road accidents, private vehicles, over speeding, congestion, pollution

Introduction

With rapid urbanization and development of automobile industry in India, we are seeing a rise in transportation on the road. You see everyday 5600 new cars on the road, with passing time the demand of private wheeler have amplified. India has the largest two wheeler automobile and today almost every household living in the urban India has a two wheeler or a four wheeler. With the rising automobile industry and many new brands coming in with innovative model and pocket friendly cost has brought in new variety of cars with excellent functions, which has made travelling easy for people. Today the number of public transport has also doubled with rising population and growing cities in India. There are millions of buses, taxi, auto, rickshaw, private transport running on the road. With advancement in technology, we have seen Uber and Ola being introduced in the Country to limit the use of private transportation. Earlier there was limited number of transports on the road, the urban city had less number of people. However with rapid migrant and refugee in India the population has increased and so is the standard of living, in order to serve the society, the number of transports on the road have also tripled, which has given rise to congestion, traffic jam and accidents, Every day we hear cases of road accidents even at the highway, accident is very common where big truck carry load, driving at a high speed. It is now that the national highways have been reconstructed, today, very few parts of country has a poor road connectivity there was Potholes and speed breakers. Now in recent years from 2014 we are seeing infrastructure development, construction of new highways roads, where the roads are smoothy and travelling is becoming easy, Government has recently inaugurate India's high speed road in Madhya Pradesh which is the fifth largest in the world. NATRAX has been set up in Indore developed under the Ministry of heavy Industries. A lot of new laws have been introduced in the transportation sector, as

transport is responsible for 26% of the air pollution, resulting in the emission of Green Houses gas which has contributed to climate change. Climate change and transportation system is correlated to each other. In order to move towards a sustainable living and tackle climate change. India is moving towards urban mobility along with the Introduction of Electric vehicles, electric cars and bikes and are on the road, along with electric public transportation. The government is working on the development of electric roads which will recharge cars will driving so in order to made this a success, over the years there have been transportation and national highway law to control pollution produced by cars or road accidents, as transport produces air pollution called PM 2. 5 which kill millions of people in the world.

Objective of the Research Paper

1. Understand the transport laws of India
2. What has been the impact of transportation law in India in reducing road accidents.
3. What initiative have the government taken in the development and control of road accidents

Analysis

There are laws for motor vehicles, road transportation, highway to reduce accidents, traffic jams, reconstruct roads, as during heavy rainy there is water logging followed by a number of problems, a problem in the transportation sector has an equal effect on the other economic sector and the whole business is shut for the time being. Due to the rapid rise in commercial and private vehicles on the road we require strike laws, along with the new to introduce higher technology in the automobile industry, to control air pollution and transportation of hazardous and

explosive produces, road safety, reduction of traffic jams, strong and effective rules for the grant of driving license with a limited validity, maintaining record of state registered motor vehicles and driving license, provisions for updating the scheme and registration, a lot of new laws have been introduced over the years and reformed the old ones. Ministry of Home Affairs, Ministry of road, transport and highway, central pollution control Board, National Crime Bureau have been working together to improve the transportation section by bringing in new policies and law which are as follows

The motor vehicle act of 1988

This is first act for transportation in India, it covers all spheres and regulates all road transport vehicles. It involves rules for License, certification of motor automobile, command of motor vehicles, traffic regulation, insurance, crime, punishment and liabilities.

The roadway transport and protection bill movement 2014

It introduces a new framework for time saving, safer, faster motion of freight and passengers in India with a focus on made in India mission, the Bill was initiated by the Motor automobile framework and Roadway safety control of India. However this was altered by the Motor vehicle Act 2017 due to contradiction.

The new motor vehicle Act of 2019

provides for a motor automation injury trust which will provide mandatory indemnity covering all kind of vehicles in India, the treatment of the person who is injured due to road accident will be followed by the strategy framed by the Central administration, recompense will be provided to the family of the person who died in the road accident, compensation will be provided by the central government, followed by that there will be electronic safety and imposition of road safety – it allows the state administration to use technology for detecting traffic violations on highways, national and state highways, urban roadways along with install CCTV, body wearable camera, acceleration guns and other necessary mechanism, depending on the number of vehicles on the road and electronic fitness testing of vehicles. There will be a change in the driving licence testing system in order to reduce corruption and getting access to License by untrained drivers, the process will now be technology based, people will get their license online and no more in manual way. There is going to be national certification of Driving Licences where a unique number will be allocated against which no driving licence will be issued, at the confederation level, every state will maintain a register of drivers licence. The Act has brought in the system of online learning License -Learning Licence will be issued in an electronic format and be done as per the orders of the central government.

There are different License authorities for the issue of light motor vehicle license, Two vehicle license, Heavy Motor vehicle License, International Driving license. No person below the age of 18 years can drive a car or issue a license in India. There are laws which can call for the suspension of driving license like Habitual criminal, drunk and driving, addicted to drugs, fraud license, driving to cause danger to the public. If a person drinks and drive under the Motor vehicle Act of 1988, under Section 184, a drunken driver or a person addicted to drugs driving will be punished with imprisonment for a term of 6 months along with a fine that would cross 2000 rupees for the first time, for the

second time if caught will be imprisonment for a period of 1 year with a fine crossing 3000 rupees. If you drive without a valid license a fine of 500 rupees and jail for a period of 3 months, if you allow a person to drive without license then 1000 rupees fine and an imprisonment of 3 months, driving without valid insurance 1000 rupees fine with 3 months jail, driving without helmet a charge of 100 rupees, not wearing seat belts a charge of 100 rupees, not driving in proper lane court challan, followed by many other rules and regulation for not properly driving on the road and breaking rules.

There is punishment for offence related to the construction, alternation and maintenance of the vehicle and its component, if any manufacture, dealer sell a motor vehicle which comes in contravention to the clause of Chapter VII of Motor vehicle decree 1988, punishment with imprisonment for more than a year and a fine of 1 Lakh.

Apart from that every state have their own Law for transportation depending upon the population and pollution, Like in Delhi there is this odd even scheme this was started in 2016 by the capital of India where private cars having their car number finishing with an odd digit will drive cars on odd working days and car with car number finishing with an even digit will drive car on even working days, this was done to reduce air pollution this has been followed in 2016, 2017 and in 2019. this rule has been followed in China, Mexico, Italy and France also which has also reduced congestion on the road, it has also boosted public transportation, with a drop in air pollution.

STATES WITH MAXIMUM DECLINE IN ROAD DEATHS DURING LOCKDOWN			
STATES	DEATHS (Mar 24-May 31, 2019)	DEATHS (Mar 24-May 31, 2020)	DECREASE
Maharashtra	2,655	1,032	1,632 (61.1%)
Rajasthan	1,706	535	1,171 (68.4%)
Gujarat	1,404	504	900 (64.1%)
Bihar	1,535	637	898 (58.5%)
Telangana	1,257	657	604 (48.1%)

Source: Supreme Court committee on road safety

Fig 1

Even after so many laws in India, in 2019, 154,732 people die due to accidents as per the reports by National Crime Records Bureau, out of which 139,000 accidents took place after there was an increase in the penalties. 128,798 people die due to rash driving on the roads. 83% die due to dangerous driving and over speed, where as we have seen a rise in 2.2% cases. Madhya Pradesh, Kerala and Karnataka have reported cases maximum cases of road accident, whereas 3 prone accidents states are Tamil Nadu, Uttar Pradesh and Maharashtra. Highways are most dead liest road, for each national highway under 100 Km, there is 113 accidents, and for state highway it is 61 accidents. there 53 cities in India with high population where 42% of the road accidents happen in the highway, total 62% including the rest of the country. It is usually people between the age group of 18 to 45 who are victims of road accidents. 29% of the cases are due to

non-helmet, drunken drives amount to 2.4%, over speeding 64.4%, 5.8% of the cases is due to driving at the wrong side. Tamil Nadu recorded the highest case in 2018 for road accidents. In 2017 Uttar Pradesh recorded the highest cases. Even after so many laws enacted we are seeing the worst situation. The laws need to be made strong and more strike to control road accidents.

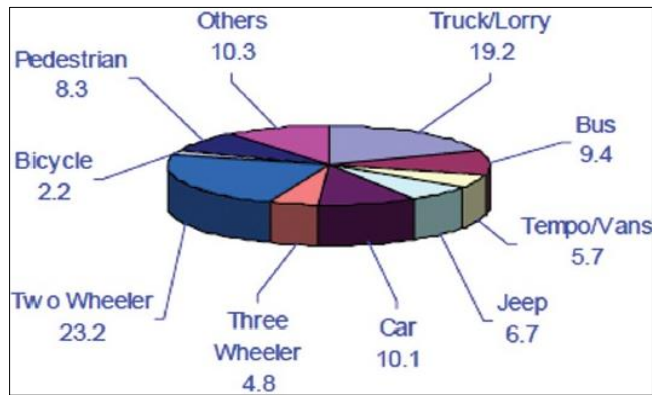


Fig 2

Percentage of accidents caused by different Motor Vehicles in India

Way Forward

Transport is a very important sector and has a contribution to the economy growth, the transport laws requires changes there is a need to increase the charges and imprisonment just 100 rupees for not wearing a helmet is not enough, a person is made to pay 100 rupees but if the charge is increased to 5000 rupees for not wearing a helmet, people will follow, the police officer should punish and charge people equally there shouldn't be any kind of corruption, where as in the case of drunken drivers, their license should be taken away permanently which might let people to follow rules and they will be reduction in road accidents. The roads need to be reconstructed and repaired, today the highways in many places have been developed, constant infrastructure development has happened in the highways, in particular Delhi highway, new tunnels have been constructed to reduce travel distance, Uttar Pradesh, Madhya Pradesh, Gujarat, Maharashtra highways are well developed, the recent Indore high speed highway is an example of roads development which will reduce accidents due to poor road construction, along with there should be strict policy on the speed limit, both highway and cities roads, there is a need to repair the normal cities roads which has more congestion than the normal roads, which will limit accidents and air pollution and noise pollution with increase in electric wheelers on the road.

Conclusion

With infrastructure development taking place across the country with development on roadways, in particular highways both state and national we expect the roads accident to reduce cause by poor roads, apart from that the new motor vehicle act rules on license has helped in reducing fake license. The road accidents are increasing with every passing day, due to rapid urbanization, over population and demand for private vehicles which has affected the environment, resulting in climate change and air pollution which has resulted in death of lacs of people. It is not just road

accidents but the pollution produced by vehicles should also be limited, electric vehicles needs to Brought to the fore front in India, with a limit on the pollution produced by existing cars.

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