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CRITICAL ANALYSIS OF MOTOR VEHICLE ACT, 2019

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I. ABSTRACT:

The critical analysis of the Motor Vehicle Act 2019² delves into the impact of this legislation on the people of India and their lives. The paper scrutinizes the provisions of the new Motor Vehicle Act, particularly focusing on the fines proposed to be imposed under the law. It aims to assess how these fines and regulations can contribute to reducing the number of accidents involving vehicles in the country.

One significant aspect highlighted in the analysis is the emphasis on safety in online taxis and cabs. The paper addresses the safety concerns associated with app-based taxi aggregators like Ola and Uber, emphasizing the need for stringent regulations to ensure passenger safety. The Motor Vehicle Act 2019 proposes measures to regulate taxi aggregators and bring them in compliance with the Information Technology Act 2000, providing a legal framework for online transactions.

Moreover, the analysis underscores the increased severity of punishment for cases involving voluntary negligence. By imposing stricter penalties for such offenses, the new law aims to deter individuals from engaging in negligent behaviour that could lead to accidents and harm.

II. METHODOLOGY AND DATA COLLECTION:

In the present study the scholar has adopted the doctrinal methods. The data has been collected from books, journals, reports and new items published in papers and shown on television and scholars mostly follow various Laws enacted by the Indian legislation relating to Motor vehicle laws. The present paper highlights the Analysis of Motor Vehicle Act, 2019³

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² The Motor Vehicles (Amendment) Act, 2019 (No. 32 of 2019)

³ The Motor Vehicles (Amendment) Bill, 2019 - PRS Legislative Research

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III. INTRODUCTION:

The issue of increasing deaths due to motor vehicle accidents is a serious concern. The primary way to assist the deceased's family is by providing financial compensation. The amount of compensation has been volatile since the inception of motor vehicle regulations in 1956. The Motor Vehicles Act was amended in 1939⁴, introducing new provisions and sections. Subsequently, the Parliament made several amendments to the Act, and finally, in 2019, a new law was enacted, repealing the old one.

The Motor Vehicles Act, 1988, passed by the Indian Parliament, comprehensively regulates all aspects of road transport vehicles. It includes provisions for traffic rules, vehicle insurance, vehicle registration, licensing, and penalties. The Act came into force on July 1, 1989.

To enhance road safety, the Government of India, in consultation with state transport ministers, proposed the Motor Vehicles (Amendment) Bill, 2017, which was passed by the Lok Sabha on April 10, 2017. This amendment aimed to introduce changes to the Motor Vehicles Act, 1988.

BACKGROUND

The Motor Vehicles (Amendment) Bill 2019 was passed by the Indian Parliament in August 2019, introducing key enhancements from the 1988 Motor Vehicles Act. With advancements in vehicle technology, changes in traffic patterns, and evolving transportation needs, revisions to the Act were essential. The success of the updated Act will hinge on its implementation⁵. Union Minister Nitin Gadkari stated that the primary objective is to decrease road accidents.

SOME MAJOR CHANGES

The Motor Vehicles (Amendment) Act 2019 includes several key provisions, including:

1. An increase in the minimum compensation for cases of attempt at manslaughter, where: In the event of death, the compensation has been raised from Rs 25,000 to Rs 2,00,000.

⁴ The Motor Vehicle (Amendment) Act, 2019 from upati.gov.in

⁵ The Motor Vehicles (Amendment) Bill, 2019 from livelaw.in

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2. The Act also introduces mandatory protection for all street clients, updates the definition and insurance of good Samaritans, and sets guidelines for alternative transportation arrangements and the Road Safety Board.
3. Another significant aspect of the Act is the recall of vehicles if a defect is found in the vehicle that could harm the environment, the driver, or other road users.

FINES AND PUNISHMENT

The recent amendments to the Motor Vehicles Act have brought about significant changes, particularly in the realm of imposing stricter penalties for traffic violations. These revisions aim to enhance road safety and ensure compliance with traffic regulations. However, the implementation of these stringent fines has faced challenges in certain states, with instances like Gujarat witnessing a reduction in the fines prescribed by the new Act.⁶

A notable case from Gurgaon exemplifies the impact of these revised penalties. A resident of Gurgaon was fined a substantial amount totaling Rs 23,000 for various traffic infractions. The breakdown of the fine included Rs 5,000 for the absence of a Registration Certificate (RC), Rs 5,000 for driving without a valid license, Rs 10,000 for lacking a pollution certificate, Rs 2,000 for not having third-party insurance, and Rs 1,000 for riding a bike without a helmet. It is worth noting that the cumulative fine amount far exceeded the cost of the bike itself, which was valued at only Rs 15,000 to 16,000.

This case highlights the significant impact of the revised penalties on individuals found in violation of traffic rules. While the intention behind these stringent fines is to promote road safety and deter traffic offenses, the implementation and enforcement of these penalties have sparked debates and discussions regarding their proportionality and effectiveness in ensuring compliance with traffic regulations.⁷

DRAWBACKS

The previous Motor Vehicles Act was criticized not only for its lack of fines but also due to its careless implementation. Local Transport Officers have been found to be corrupt, and the increase in fines has led to an increase in corruption in RTOs and traffic police. This is

⁶ Centre College Copyright Policies and Procedures from Library centre education.

⁷ The Motor Vehicles (Amendment) Bill, 2019 from prsindia

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because the higher fines have made residents more willing to bribe RTO officials or influence traffic police rather than receiving a challan. Even state governments have not implemented the Act in practice due to vote bank politics. Recently, the Chief Minister of Maharashtra asked traffic police in Pune to stop using helmet cameras due to resistance from local MLAs. An increase in fines does not address this issue.

Over the years, there has been no significant reduction in accidents. The Indian government's figure remains at almost 465,000 road injuries per year. The number is likely to be much higher given that some accidents are likely to go unreported. Of those recorded, 400 people die every day on India's roads. Most of the people who die are vulnerable road users, including cyclists, bikers, and pedestrians. Then there is road rage, which remains largely unaccounted for but is often triggered by poor driving.⁸

To reduce mortality from road accidents, the government needs to develop a plan for cashless treatment in the golden hour (the golden hour is the hour after the accident, during which if proper treatment is given, the chances of survival are highest). However, this does not address the main issue of emergency medical care. Police procedures after accidents are slow and are focused on giving emergency care. Doctors in private hospitals are reluctant to admit road accident patients as they are often in critical condition. Frequently, patients have to go from one hospital to another, which removes the essential golden hour.

SAFETY ISSUE WITH ONLINE TAXIS AND CABS

The Finance Minister Nirmala Sitharaman has highlighted that the increasing preference of recent college graduates for app-based taxi aggregators like Ola and Uber over purchasing individual vehicles is contributing to the slowdown in the automobile sector. While the rationale behind this statement is subject to debate, the trend towards using online taxi services is undeniable. However, the surge in the use of app-based cabs raises concerns such as women's safety, surge pricing, and passenger privacy. In response to these issues, the Motor Vehicles (Amendment) Act 2019 aims to regulate taxi aggregators and bring them in line with the Information Technology Act 2000, providing legal recognition to online transactions. To further promote the use of online cabs, there is a need for regulating taxi

⁸ The Economic Times - New Motor Vehicle Act Laws from economics time.

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fares and ensuring passenger safety. Encouraging taxi pooling can help alleviate traffic congestion on roads.

The Motor Vehicles (Amendment) Act 2019 mandates the central government to develop a New Transport Policy in collaboration with state governments. While the Union government introduced the National Urban Transport Policy in 2007⁹, focusing on prioritizing people over vehicles, there has been limited progress since then. The New Transport Policy should emphasize transit-oriented development, mass rapid transit systems, and pedestrian safety to address the evolving transportation needs of urban areas.¹⁰

GOOD SAMARITANS

The revised Act defines a Good Samaritan as a person who provides assistance to a victim or accident without expecting any reward. According to the Act, "the assistance may probably be in compliance with common decency, wilful, and without the desire for any prize. Such an individual won't be subject for any thoughtful or criminal activity for any injury to or demise of a mishap unfortunate casualty caused because of their carelessness in giving help to the person in question." However, in reality, such individuals are often harassed by police and face threats from accident culprits for which they act as witnesses. Few people are aware of these provisions in the Act, and organizations must make efforts to increase awareness about these rights as part of the usage of this Amendment. The best thing about society would be that the individuals who approach and secure the harm would not be compelled to reveal their identity to the police or medical staff. Prior, there used to be a requirement that whoever approaches needs to tell the police/medical staff their identity, but now according to the revised law, the individual cannot be compelled to do so. No civil or criminal liability would be imposed on such people.

JUVENILES AND THE LAWS¹¹

The Motor Vehicle Amendment Act 2019 introduces significant changes regarding criminal traffic offenses committed by adolescents. Under the new provisions, the guardians or owners of the vehicle will be held accountable for such offenses unless they can prove that the

⁹ Resource Book on the Legal Framework on Anti Human Trafficking from unode

¹⁰ Sections to be made applicable starting 1st September 2019 of the Motor Vehicles Act 2019 from static.pib

¹¹ The footnoting for the provided sources would be as follows:

The Motor Vehicles (Amendment) Act, 2019 (No. 32 of 2019) from morth

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offense was committed without their knowledge or that they made efforts to prevent it. In cases where a juvenile is found to be involved in traffic violations, the registration of the motor vehicle involved will be canceled by the authorities. Subsequently, the juvenile offender will be tried in accordance with the Juvenile Justice Act.

This shift in accountability places a greater onus on guardians and vehicle owners to ensure that minors under their care do not engage in traffic offenses. It emphasizes the importance of supervising young drivers and instilling a sense of responsibility and adherence to traffic laws¹² from an early age. By canceling the registration of the vehicle involved in the offense, the Act aims to impose consequences on the owners, highlighting the need for vigilance and compliance with road safety regulations.

Furthermore, by subjecting juvenile offenders to the provisions of the Juvenile Justice Act, the legal system ensures that appropriate measures are taken to address the actions of young individuals involved in traffic violations. This approach emphasizes the importance of rehabilitation and corrective action for juvenile offenders, aligning with the principles of juvenile justice that focus on the welfare and reformation of young offenders rather than punitive measures.

DEATH AND HIT RUN¹³

Prior to the recent amendments, the compensation provided for hit-and-run accident victims was quite low. The Motor Vehicles Act allowed for a compensation of only ₹25,000 in such cases. This meager amount was seen as inadequate and not providing sufficient relief to the victims' families, who are often from economically weaker sections of society.

However, the situation changed significantly after the high-profile Salman Khan hit-and-run case. That case brought widespread attention to the issue of hit-and-run accidents and the need for better compensation for the victims. In response, the Government of India has now increased the compensation amount substantially.

As per the Motor Vehicles (Amendment) Act 2019, the compensation for hit-and-run accident victims has been enhanced to ₹2 lakh in case of death and ₹50,000 in case of

¹² The Motor Vehicles (Amendment) Act, 2019 from morth

¹³ THE MOTOR VEHICLES (AMENDMENT) ACT, 2019 NO. 32 from morth

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grievous injury. This represents a significant increase, almost 8 times the previous amount of ₹25,000.

The rationale behind this increase is to provide much-needed financial assistance and relief to the families of hit-and-run victims, who often face tremendous hardship and loss due to the sudden and tragic nature of such accidents. The enhanced compensation is seen as a way to alleviate the burden on these vulnerable sections of society.

Moreover, the Supreme Court has recently directed the Central Government to consider further increasing the compensation amounts annually to account for the diminishing value of money over time. This suggests that the compensation levels may be revised upwards in the future to ensure they remain adequate and meaningful for the victims and their families.

TREND

A sharp increment in the vehicle populace has expanded the quantity of fatalities and wounds from street mishaps. In 2017, there were in excess of 147,913 street mishap related passes, up from 146,133 of every 2014. Among classes of vehicles, bikes represented practically 34% of complete street mishaps and 29% as far as fatalities, official information appeared. Plus, national thruways that include 2% of India's complete street arrange, represented over 33% of mishap related passings in 2017. The ongoing changes in the engine vehicles law couldn't have come at a progressively ideal time, with India being signatory to the Brasilia presentation on street security and resolving to divide the quantity of lethal street mishaps by 2020.¹⁴

CONCLUSION

The corrected demonstration is dynamic in different angles, yet not adequate to diminish the quantity of mishaps. Other than traffic rule infringement, potholes and harmed streets are the main sources of street mishaps in India. On endless lanes and expressways, the nation over, traffic signals are taken cover behind the trees, and traffic signs are either not present or not obviously unmistakable. Numerous arrangements of the Act have been designated to the legislature with no time period at the top of the priority list. Arrangements, for example, the

¹⁴ The effect of 'THE MOTOR VEHICLES (AMENDMENT) ACT, 2019 ... - NCBI from ncbi

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foundation of a Road Safety Board¹⁵ and the advancement of a New Transport Policy are need of great importance. In any case, with no time period in the Act, these arrangements are probably not going to be executed at any point in the near future.



¹⁵ An overview of Motor Vehicles (Amendment) Act, 2019 from blog.ipleaders

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