

THE KNOWLEDGE TREE

VOL - 2



PEN ACCLAIMS

**To,
Soham,
Companion & confidant!**

“The Knowledge Tree”

(Volume -2)

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Preface

A thought that has been enduring in mind when becomes real, is truly an interesting and exciting experience. This book is one such cherished work that has its roots in the persuasion of many authors, contributors and also mentors which has now embellished to become the snapshot of the innumerable efforts put in since months. This book serves to reinforce increased awareness, improved interaction and integration among all of us.

As the Editor of this book entitled “The Knowledge Tree”, I wish to thank all researchers across the globe, who have submitted their contributions. The main aim of this book is to enhance knowledge among researchers, students and the legal fraternity at large and to provide an opportunity for creative research and multi-level consideration of broader issues related to legal insight from both national and interdisciplinary perspective.

It has been indeed a pleasure going through the journey of compiling this book. This maiden issue will surely inspire all of us for a new beginning and enlighten the minds of young scholars with hope, confidence and faith.

Happy reading!

**Dr. Pooja Dasgupta
Chairperson
Pen Acclaims**

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“Reforms in the Motor Vehicles Act: The Good, the Bad and the Ugly”

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The year of 2019 has brought many important legislations and amendments one of the most prominent legislation that affected the daily life of almost every citizen of the nation was the Motor Vehicles (Amendment) Act, 2019. This act amended the existing Motor Vehicles Act, 1988.

In India, 17 people lose their lives to road accidents every hour. In the year 2017, the number of deaths due to road accidents was 1.47 lakh caused by 4.46 lakh road accidents. 78.4% of accidents happen due to the fault of the driver such as over speeding, driving under the influence of alcohol or drugs, and hit and run cases. Majority of us use some form of transportation on a daily basis making this Amendment important to one and all.

Based and drafted on the suggestions of the Group of Transport Ministers of States, which was constituted by the Ministry of Road Transport and Highways, The Motor Vehicles (Amendment) Bill, 2019 was introduced in the Lok Sabha on July 15th, 2019 by the Minister for Road Transport and Highways, Mr. Nitin Gadkari. Within one week, on July 23rd, 2019 the bill passed in the Lok Sabha, this was followed by the Rajya Sabha sending the Bill to the Lok Sabha with three amendments, and subsequently the Bill was passed yet again in the Lok Sabha on the 5th of August, 2019, converting the Bill into the Motor Vehicles (Amendment) Act, 2019, which was decided to come into effect from September 1st, 2019.

The amendment consists of 63 provisions and was formulated with the intention to update the subsisting Act from old, dated and obsolete guidelines and specifications to current technological, economic, financial and industry standards. The amendment seeks to ensure better road safety by implementing stricter norms and increasing the liability imposed on the drivers and owners of the vehicles. Majority of the provisions deal with penalties, licenses, registration and the National Transport Policy.

There are 16 key modifications introduced the Act, which include but are not limited to, enhancement of fines and penalties, new rules with respect to learners' and driving licenses, no fault liability of drivers, offences committed by juveniles and protection of Good Samaritans.

Among the amendments made to the Motor Vehicles (Amendment) Act 2019, was the insertion of Sec. 199A, which was inserted by the with the main objective to deter juveniles from falling victim to road accidents. It provides that when a juvenile commits an offence under this Act, the guardian of such juvenile or the owner of the motor vehicle shall be deemed to be guilty unless the guardian/ owner can prove that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. The guardian or owner shall be held liable and can be punished with a fine of

up to ₹25,000 and imprisonment of up to 3 years. The juvenile shall be punishable with such fines as provided in the Act while any custodial sentence may be modified as per the Juvenile Justice Act, 2000. Moreover, it established that the juvenile shall not be eligible to be granted a driving licence or a learner's licence until the age of 25 years, if caught driving illegally. Further, to restrain the owner's from allowing juveniles to drive the registration of motor vehicle shall be cancelled for a period of 12 months. Once the period of one year is over, the owner will have to submit a fresh application for the registration of the vehicle. This provision would seek to ensure the safety of juveniles and other citizens by making their legal guardians or owners of the vehicles they drive liable for their misdemeanours.

Alongside these preventive measures, the amendment improves corrective measures the government will now provide compensation of ₹2 lakh or more to the victim's family in cases of hit-and-run fatalities the early provision was just for ₹25,000. Moreover, a Motor Vehicle Accident Fund will provide compulsory insurance cover to all road users in the country for certain types of accidents.

The new Motor Vehicles Act also enhanced the penalties for driving errors. Heavy fines for drunken driving, driving without licence, dangerous driving, over-speeding, etc. have been implemented. Further, Sec. 199B has been inserted by the Act which provides for "Revision of Fines". It provides that fines under this Act shall be increased by up to 10 per cent every year on April 1, by the discretion of the Central Government. Some significant changes included the 1000% increase in the penalty for driving without the license from ₹500 to ₹5000, the increase in fine for drunken driving at the first instance is now ₹10,000 and/or up to six months in prison and at the second instance ₹15,000 and/or imprisonment up to a period of two years. While the imprisonment periods remain the same, the payable amount for the fines have significantly increased from ₹2000 and ₹3000 for the first and second offences respectively.

The amendment in the Motor Vehicle law expanding punishments for infringement of traffic rule on various past occasions has not been generally welcomed or well received by the people of the nation. A few state governments including the BJP-led ones have either completely diluted the law or put it on hold temporarily. There is a clear sense of conflict among those sitting in the government both in the states and at the Centre. The Road Transport and Highways Minister, Mr. Nitin Gadkari has said that, it is the Ministry's responsibility to save the lives of 1.20 lakh people dying on the road in accidents. He also spoke about the hike in penalties saying that idea behind hefty fines was to bring discipline in road traffic via the means of fines as a deterrent which hopefully would save many lives.

While the high amount of fines acts as a deterrent, and the Act is predicted to regulate the actions of miscreants and irregular drivers, it has its flaws which has led to the lack of implementation of the Act to all states despite Road and Transport being a subject on the Concurrent list,.....

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