

ROAD SAFETY AND LAWS

Priya Rana¹, Bhavisha Verma², Ranjana³

¹Assistant Professor, Department of Commerce, Sanatan Dharma College, Ambala Cantt

²Assistant Professor, Department of Commerce, Sanatan Dharma College, Ambala Cantt

³Assistant Professor, Department of Commerce, Sanatan Dharma College, Ambala Cantt

Abstract:

The two primary strategies in road safety work are accident reduction and prevention of accidents. In order to prevent similar accidents from occurring again, we use knowledge about accidents that occurred during the construction of the road. When we build new streets and roads/bridges or redesign existing roads/bridges, we apply knowledge in safe road/bridge design - road/bridge geometry, as well as the materials used - explaining the reasons for which an individual project is performed. This knowledge is based on study and, to a large extent, practical experience. The road safety audit is being used to reduce accidents, the severity of crashes, and their prevention.

Keywords: road safety, laws, measures, safe work

Introduction:

Road traffic safety refers to the methods and measures accustomed prevent road users from being killed or seriously injured. Typical road users include: pedestrians, cyclists, motorists, vehicle passengers, horse-riders and passengers of on-road transport (mainly buses and trams). In today's world road and transport has become an integral part of every soul. Everybody could be a road user in one shape or the other. The current transport system has minimized the distances but it's on the opposite hand increased the life risk. Once year road crashes end in loss of lakhs of lives and high injuries to crores of individuals. In India itself about eighty thousand people are killed in road crashes each year which is thirteen percent of the whole fatality everywhere the globe. Man behind the wheel plays a crucial role in most of

the crashes. In most of the cases crashes occurs either thanks to carelessness or because of lack of road safety awareness of the road user. Hence, road safety education is as essential as the other basic skills of survival.

Our aim is to produce road safety information for road users to encourage safer road user behavior among current and prospective road users and reduce the number of individuals killed and injured on our roads once a year India has the second largest road networks within the world and accounts for 10% of worldwide road fatalities. Laws regulating the traffic on the road are provided under the cars Act, 1988 is an Act of gone the Parliament of India which came into force from legal holiday, 1989 and is applicable to whole of India however lapses in traffic laws regulations, violations and accidents are glaring reality. India was having such enactment in situ since the year 1914 but the menace of driving remains on and victims think of the suitability of laws to curb such menace. Various important judgments are there reflecting upon concerns on road safety issue a number of the important ones are discussed herein. Road accidents, traffic jams, road rage, under-age driving, driving under the influence of alcohol are a number of the prime issues which essentially makes it important to reflect upon this situation. Driving sensibly may be a responsibility-legal, social and moral, however rarely seen. Omission of this duty can bring the irresponsible driver, owner of the vehicle, insurer et al not only during a legal battle but huge pain and sufferings for victim and his members of the family suffering forever. The article focuses on legal situations and the way the precedents have evolved during this matter. Talking about what he called “anti-social” (drink- and drug-influenced) and “dangerous” (reckless) driving, Dr Prashant Kekre, consultant spine surgeon, Chennai, stated the “terrible human cost” and “economic burden” arising out of road accidents and stressed the necessity for more public participation to form awareness. “Reporting drunken driving is that the moral responsibility of everybody,” he said. He added that comprehensive data was needed – from the police, insurance companies, doctors et al. – if a sensible assessment had to be product of the explanation for accidents. He was also for the blood alcohol content being measured as a compulsory procedure. Presenting her analysis of media coverage of issues referring to road safety, Sumana Narayanan said reports on accidents, government policies, articles on car safety features, and infrastructure appeared from time to time on the assorted pages of

newspapers. She felt that coverage of policy issues, pedestrian problems and road-safety campaigns were fairly good.

Discussion: A. Important Traffic Laws in India

Road safety could be a state subject. The administration of the motorcars Act, 1988 is under the transport Department, which is one among the biggest revenue earning departments. For exercising the legislative provisions of the Act, the govt of India made the Central motorized vehicles Rules 1989.

1. Law referring to Registration of car

- o **Mandatory Registration:** Under section 39 of the car Act, 1988 it prohibits driving of any motorcar or any vehicle, which isn't registered or no owner of car should permit driving of an unregistered vehicle public place which isn't registered under the supply of the MV Act.

Exception to the present provision is cars with the dealers.

- o **Jurisdiction for Application:** Registration of the vehicle is completed by the concerned authority is completed on the idea of your residence or place of residence or place of business, where the vehicle is generally kept.
- o **Application for Jointly owned Vehicle:** just in case of joint ownership, the registration of auto is applied by one in all the owners. If a vehicle registered in one state is kept in another state for quite a period of 12 months, then owner of such vehicle has got to approach the registration authority for assignment of latest registration mark within whose jurisdiction the vehicle is.
- o **Change of Address:** If there's change of address, then also, the owner of auto is required to approach the authority within 30 days in whose jurisdiction he has shifted for recording the change of address.

2. Law referring to driving license

- o **Effective Driving License:** anyone not otherwise disqualified to carry a driver's license may apply for it. As per the Section 3 of the Central automobile Act, 1988 says nobody can drive at any public place until he holds an efficient driver's license issued to him authorizing him to drive the vehicle. **Age Limit for obtaining the driving license:** not a soul who is below the age of 18 years shall drive a motorized vehicle in a

very public place. But a motorcar of engine capacity not exceeding 50cc will be driven under the age of 16 years. not everybody under the age of 20 years shall drive a transport vehicle.

- o **Learner's License:** The Learner's license means a license issued by a competent authority to drive as a learner or a motorized vehicle specified under a special class or description. The validity period of learner's license is 6 months. Jurisdiction for issuing learner's license is on the idea of place you reside or where you're employed for gain or on the idea of college or place where he intends to receive driving instructions.
- o **Learner's License to drive a LMV:** not everybody under the age of 18 years shall be granted a learner's license to drive a automobile without gear except in writing with person having care of person having the need of learner's license. Medical certificate is required with the appliance form just in case of auto apart from LMV.
- o **Test of competence to drive a vehicle:** it'd incline within the vehicle laid out in application to get the driver's license.
- o **Power to Revoke License:** Licensing authority has power to revoke the license of medically unfit person. Automatic suspension of license by someone who has caused death or grievous hurt of 1 or more persons. The person shouldn't suffer from any disability. The Registering authority has power to cancel the registration of auto that's lost, destroyed or has been permanently rendered incapable to be used. If the engine number or chassis number differ from RC, then also registering authority can cancel the registration.
- o **Conditions under which Licensing Authority can revoke a License**
- o Habitual Criminal
- o Drunkard
- o Addicted to Narcotic Drugs and Psychotropic substances
- o Has used or is employing a motorcar in commissioning of offence
- o Any fraud or misrepresentation in obtaining the DL
- o Driving to cause danger to public on the idea of previous conduct

- o A person under the age of 18 years who has been granted the learner's license is nowadays not under the care of such guardian.
- o Duty to provide License and Certificate of Registration: the motive force of any car is duty certain to produce it for examination it for authorities in uniform. The person is additionally duty guaranteed to stop the vehicle if the vehicle is involved in accident.
- o Responsibility of Owner of Vehicle: Section 5 of the motorcar Act, 1988 it clearly says that the owner of the vehicle encompasses a responsibility to not allow driving a vehicle who doesn't satisfy aboveconditions.

3. Law referring to Pedestrian

Indian law under the motorcar Act, 1988 and other related act provide for preventing the vehicles to run on footpaths. There are several Acts that safeguard pedestrian rights indirectly. The Indian legal code (1860) sections 279[1], 304 (Punishment for Culpable Homicide not Amounting to Murder), and 336[2]/337/338 protects the general public, which has pedestrians, against rash driving and negligence by motorists. The cars Act (1988), sections 7-38 talks about penalizing the motorists exceeding speed limits and license regulation etc, indirectly protecting vulnerable road users. Section 138 clause (h & i) empowers the government to forestall cars from using the pavements for driving or parking. the foundations of the Road Regulation (1989) has three rules mentioning pedestrians or their right of way, which are:

- o The duty of the motive force to bog down when approaching a crossing (Rule 8)
- o That no driver can park a motorcar near a traffic signal or on a crosswalk or a footpath (Rule 15)
- o Motor vehicles don't seem to be allowed to drive on the footpaths or cycle lane except with permission from the lawman on duty (Rule 11) The Municipal Corporation Acts also protect public roads and streets by terming all obstructions illegal unless they're made with the prior permission of the collector. they're entitled to establish the footpath width supported width of the general public roads. Under the Persons with Disabilities (equal opportunities, protection of rights and full participation) Act (1995), the govt must provide for auditory signals,

engraving on the zebra crossings, slopes in pavements for simple access of wheel chair, and warning signals at appropriate places.

B. Traffic and Road questions of safety

1. Footpaths not safe for pedestrians: The roads are the foremost important public spaces in cities and pedestrians are its largest users, but but 30% of urban roads in India have footpaths. Grave concern are often observed regarding safety of pedestrian to determine the footpaths being employed by two wheelers, pedestrian crossing usage culture is missing and crossing any road is uphill task. Despite the laws in situ, urban areas can clearly see encroachment of footpaths by bikes with no action taken. The International Federation of Pedestrians has been explicitly advocating the correct to run publicly spaces as a basic right but yet the image of same to be implemented fully is yet to be achieved. there's a requirement to create more roads, make them safer to be used of pedestrians throughout India. Since the law is in situ, effective enforcement is required.

3. **Road Rage:** force is an expression of human behavior with criminal consequences. there's no clear law defining force in India. Literally, force may be a term accustomed sit down with the violent incidents caused by stress while driving on high traffic zones on roadways casing death, try to cause death or injury. Most of the incidents of violence occur during peak traffic hours. Prime reasons related to the incidents of violence are: holdup, Noise levels, time constraints, alcohol consumption. force is taken into account as a criminal offence, which can result in serious injuries and even death.

4. **Drunken Driving:** Impairment by alcohol is a very important think about causing accidents and it's been found as per study reflected on different websites that alcohol was present in between 33% and 69% of fatally injured drivers, and in between 8% and 29% of drivers involved in crashes who weren't fatally injured. Alcohol consumption by drivers puts pedestrians and riders of motorized two wheelers in danger. In Sanjeev Nanda Case discussed below the Hon'ble Court highlights the identical well.

5. **Ban on Use of Dark, Black and Reflective Glasses:** Use of dark, black or reflective glasses in vehicles isn't permitted as per law. As per the orders of the Hon'ble Supreme Court of India, use of black film or the other material isn't permitted on the windscreen and side windows of vehicles.

Violation is punishable with challan and on-the-spot removal of film. Only company fitted tinted glasses permitted, with 70% visual transmission of sunshine with windscreen & car window and 50% visual transmission of sunshine for side windows. In *Avishekha Goenka vs. Union of India* [5] the Hon'ble Supreme Court had banned the employment of black films for any VLT percentage or any material upon the protection glasses, wind screens front or rear or side glasses of all vehicles throughout the country. These directions are enforceable from May 4, 2012.

6. Under age driving: Of recently, the driving by underage people isn't uncommon on Indian roads. the most important problem is that folks are encouraging underage driver when law clearly doesn't permit. Even parents who sit behind the driver's seat when minor is driving, is additionally wrong under prevailing law. Often when the accident occurs, the culpability of the oldsters is booked for failing to fulfill moral and burden. Schools can play active role in educating students and oldsters with menace of minor driving.

Conclusion:

Road accident statistics also reveal that poor and developing countries are bearing the brunt of the road safety problem, despite low levels of motorization. Still more unfortunate part is that India stands out well above other developing and developed nations with respect to road safety situation, rather in an uncomplimentary way. Things are becoming bad to worse annually and yet nothing significant seems to be happening to enhance road safety situation within the country. Road safety is being treated in a very individualism way in India. Among the important reasons for such a situation are the dearth of national commitment to the road safety, bureaucratic inertia, and public apathy to human suffering and economic losses thanks to road accidents. Fortunately, many of those deaths and injuries on roads are preventable and affordable because the experience of the many countries shows. The countries that are most successful in reducing the quantity of crashes have many commonalities; the most factors include a political commitment, a broad strategy, a transparent vision, a concrete plan, institutional development and co-ordination, and a careful and significant evaluation of measures and their effectiveness.

References:

- Elvik, R., Vaa, T., Høy, A., & Sørensen, M. (Eds.). (2009). *The handbook of road safety measures*. Emerald Group Publishing
- World Health Organization. Dept. of Violence, Injury Prevention, World Health Organization. Violence, Injury Prevention, & World Health Organization. (2009). *Global status report on road safety: time for action*. World Health Organization.
- Wegman, F. C., & Aarts, L. T. (2006). Advancing sustainable safety: National Road Safety Outlook for 2005-2020
- Hughes, B. P., Newstead, S., Anund, A., Shu, C. C., & Falkmer, T. (2015). A review of models relevant to road safety. *Accident Analysis & Prevention*, 74, 250-270
- Hauer, E. (1997). *Observational before/after studies in road safety. estimating the effect of highway and traffic engineering measures on road safety*
- Wegman, F., Zhang, F., & Dijkstra, A. (2012). How to make more cycling good for road safety?. *Accident Analysis & Prevention*, 44(1), 19-29
- Hultkrantz, L., Lindberg, G., & Andersson, C. (2006). The value of improved road safety. *Journal of risk and uncertainty*, 32(2), 151-170