

Meeting of
‘Parliamentarians’ Forum on Economic Policy issues (PARFORE)’
On Road Safety
(Motor Vehicle (Amendment) Bill 2016)
On Wednesday, November 16, 2016
New Delhi



Organised by
Consumer Unity & Trust Society (CUTCs)

In Partnership with
Global Road Safety Partnership (GRSP)

INTRODUCTION:

Background:

Mobility is in severe crisis, no matter what place we talk about. Sustainable mobility thus has been one of the crucial work areas of CUTS and bases its work on sustainable mobility on research in the area of transportation planning with emphasis on road safety, including environmental and economic issues for genuinely sustainable mobile future.

CUTS has been working in the area of Road Safety for more than two decades through a number of awareness programmes and campaigns. CUTS study on road safety in 1990 became the basis for the National Road Safety Policy in 1993, seeking to reduce the death level from road accidents. CUTS was also associated in drafting and giving inputs in the first ever road safety policy of the country. It has been conducting Road Safety Campaign since 2002 in the partnership with Ministry of Road Transport and Highway, Government of India. Simultaneously, CUTS has also partnered with FIA foundation in the “Make the Road Safe Campaign”. Mr. Pradeep S. Mehta, Secretary General, CUTS has been associated with the National Road Safety Council as a member since 2009 to 2013 and as an advisor there after till date. Mr. Mehta was heading one of working committees of the Council on Education in 2011 and his contributions to this were praiseworthy.

In recent past, CUTS in partnership with Lund University, Department of Technology and Society, Sweden and with the support of Swedish International Development Agency (SIDA), New Delhi implemented project on Traffic calming Strategies to Improve Pedestrian Safety in India and examined the shortcomings and causes that make sites accident-prone and then developing and testing holistic traffic calming strategies suggesting remedial road designs.

In this backdrop, CUTS conceived and designed the Project Road Safety Advocacy (RoSA) on Road safety in partnership with Global Road Safety Partnership (GRSP), with an object to build a strong base for urgent enactment of Motor Vehicle (Amendment) Bill 2016 in India to address the burning issues related to road safety and concerns of common road users through strong advocacy and civic awareness. Recognising the enormity of road accidents and related issues in India, the project aims to build consensus to create an enabling environment for early enactment of Motor Vehicle (Amendment) Bill 2016 by advocating with Parliamentarians/policy makers at central and state level.

To achieve the target, project is striving for to advocate with the parliamentarians of both *Lok Sabha* and *Rajya Sabha* for their support to the bill during debate & voting in their respective houses. Project desires to solicit support of consumer organisations/other relevant organisations working on road safety, road transport authorities, traffic police, concerned citizens and media for being part of advocacy for passage of the said bill. Project also focuses to create awareness about the dire need for the bill and its key highlights among all stakeholders and common public, which will further enhance the demand for speedy enactment of the bill without weakening the envisaged regulatory provisions of it.

About PARFORE:

PARFORE, an initiative of CUTS International was conceived as non-partisan and informal forum where Members of Parliament are able to air their views on a periodic basis on the core economic policy issues in the field of trade, competition, regulatory reforms, investment and their cross linkages.

With a view to engage in deliberation with Parliamentarians, in the year 2005 CUTS formed a platform for the parliamentarians, popularly known as 'PARFORE'. In July 2005, five Parliamentarians cutting across party lines proposed setting up of a 'Parliamentarians' Forum on Economic Policy Issues (PARFORE)'. The PARFORE is a non-partisan informal forum where MPs are able to air their views on Trade, regulation, competition, governance and economic issues. PARFORE complements the efforts of CUTS towards good governance as it offers a platform for not only airing the divergent viewpoints but a closer and constructive interaction among the Parliamentarians across party lines.

To initiate an independent, coherent and dispassionate discussion on the proposed amendments in the ensuring Motor Vehicles (Amendment), 2016, CUTS organised a roundtable discussion with Parliamentarians for advocacy with the parliamentarians on the above mentioned issues on Wednesday, November 16, 2016 in New Delhi. The meeting was attended by eight MPs namely, Mr. Rangasayee Ramakrishna, Mr. Jose K. Mani, Mr. Harish Chandra Meena, Mr. Dinesh Trivedi, Mr. La Ganesan, Mr. N.K. Premchandran, Mr. P. Bhattacharya and Mr. Tiruchi Siva representing six major political parties and G. K. Pillai, Member, Board of Trustees, Save Life Foundation and former Home Secretary, Govt. of India.

PROCEEDINGS

Introductory Session:

George Cheriyan, Director, CUTS commenced the meeting extending a warm welcome to the participants. He briefed the participants about CUTS and its various interventions in



the field of sustainable mobility. He showed the gross statistics of road crashes that nearly 1.46 million people die in road accidents which is 1,682 times more than the number of people die in an terrorist attacks or due to any epidemic. He apprised the panel that, approximately 1357 accidents and 400 road deaths take place every day on Indian roads and number of death toll is increasing every year. What is appalling is that there has been 2.5 per cent increase in road accidents but the severity of a road accident has increased by 4.6 per cent, he

said. Realising this, the government had introduced the Road Safety and Transport Bill, 2014 but the same was withdrawn and lapsed. Understanding the requirement of legislative changes in road safety, the government has proposed amendments to the Motor Vehicles Act, 1988, focusing on road safety aspect amongst other amendments in relation to regulation and transportation. After consultations and consolidation, total 89 amendments have been suggested. He informed the panel that, presently the Bill is before the PSC which sought suggestions and comments from all the stakeholders and had conducted extensive oral exchanges with the Stakeholders. In line of which, CUTS got an opportunity to presentation its suggestions before the PSC for strengthening the Bill. While the report of the PSC on the Bill is still pending on the date, CUTS is hopeful that the Bill might be considered for tabling in the upcoming Winter Session of Parliament, he stated.

Keeping the interest of common road used in mind, CUTS welcome the Motor Vehicles (Amendment) Bill, 2016, as no major amendment has been made to the Act of 1988 in relation to Road Safety for last 28 years. The MVA Bill, 2016 is a significant step in direction of Road Safety. The Motor Vehicles Act, 1988 is regulatory in nature, but 25-30 per cent of the Act is dedicated to road safety aspects. George Cheriyan highlighted few noteworthy sections of the Bill that seek to ensure road safety, but expressed concern on certain provisions like on limiting insurance liability, lack of provision on child safety, lack of scientific data collection and faulty road designs. The stringent penalties proposed for various traffic violations and offences are noteworthy and CUTS welcome the move, but certain provisions as aforementioned need to be strengthened further, he stated. He suggested that the since penalties have been revised, licensing system also needs to be strengthened as a preventive measure to ensure road safety and emphasized on the need of competence test, reviewing training and regular health check-ups of transport drivers etc. He advocated for a mechanism for scientific collection of data and mechanism for holding road authorities- engineers and contractors, responsible and accountable for faulty road designs and provision on child safety.

Summarizing CUTS viewpoint on the Bill, he extended greetings to the Parliamentarians present in the meeting and requested Mr. G. K. Pillai who is a forerunner in the movement for road safety for his presentation on the key proposed amendments in the MVA Bill, 2016 and suggestions for further firming up of the Bill.

G K Pillai made a succinct presentation on the proposed amendments and elaborated on areas of further improvements. At the outset, he remarked



that Road safety is almost a one generation process to demonstration impact of Road Safety. He brought to light the fact that, India is a global leader in road fatalities and kills more people in India in road accidents than in terrorism or any natural disasters. He pointed out that there is loss of Rs. 4 Lakh Crore to economy per year due to road fatalities and accidents. It is a sorry state of affairs that despite India's commitment to reduce the number of road accident fatality by fifty per cent by year 2020 in conformation to Brasilia declaration, the road fatalities show an increasing trend, he cited.

Considering the key provisions of the Bill, he appreciated the provisions of the Bill like electronic monitoring, community services, provisions on violations by juveniles, provision for promoting Research and Development in innovative and driver less technology. Section wise, he presented the amendments and elaborated on the areas of further fine-tuning and backed the proposal for establishment of National Registry of Driving License, it diminishes State powers but will prove deterrent to people from acquiring multiple licenses, he observed. He appreciated the amendment made to Section 55 providing for cancellation of registration, if vehicle driven by juvenile, amongst other provisions fixing penalties on juveniles. Appreciating electronic monitoring and enforcement, Mr. Pillai showed example of city of Hyderabad and Karnataka, where the roads are under electronic surveillance and constantly video graphed, without any human intervention. He pointed out Karnataka collected a whopping Rs. 80,000 Crore fine as facilitated by electronic monitoring and surveillance.

Elucidating further on Section 138 of MVA Bill, 2016, he said that section vaguely talks on pedestrian safety and safety of non-motorised vehicles, which forms the vulnerable group in road accident fatalities. Speaking on exemplary penalties, he said, it is not money which is important but revocation of driving license will be a more deterrent step. To ensure road safety he made following suggestions: a) scientific collection of road crashes, for which a uniform Performa with checklist can be made for statistically viable data looking into both, faulty and no fault factors; b) bad road design and proper safety audits to ensure good road infrastructure c) education and awareness are key measures to ensure road safety with special focus on the future generation. He made an innovative suggestion that the violators may be made to sit in trauma centres for an hour to understand the gravity of the road accidents and violations under punishment of community service. Mr. Pillai referred to the Public Interest Litigation filed on behalf of Safe life Foundation on protection of Good Samaritans where the Supreme Court has passed judgment to save good Samaritans from legal hassles; the same has been brought to focus in the MVA Bill, 2016. The Hon'ble Supreme Court's judgment, inter alia, states that a Good Samaritan can be called to Police Station only once. In furtherance of the judgment, many states like Maharashtra, West Bengal and Tripura have passed Good Samaritans Act, but it would be better in terms of uniformity and implementation if the judgment forms part of rules/guidelines under the Central Motor Vehicles Act itself. He concluded by emphasizing on the importance of education and awareness of people especially at school level for an effective implementation of the provisions of the law on road safety.

Responses from the Floor:

After the introductory session, floor was opened for discussion, where participating MPs shared their valuable opinions on the MVA Bill, 2016. Parliamentarians discussed about various aspects of Road Safety, proposed amendments and suggested for improvements in driver licensing system and provisions for effective electronic enforcement etc. Parliamentarians strongly put forward the need for scientific investigation of road crashes and omitting the limit on Insurer's liability in third party motor accidents in the MVA Bill, 2016. It was quite encouraging to witness the MPs from both houses unanimously support the need of amendments to the Motor Vehicles Act, 1988.

Jose K. Mani, MP, Lok Sabha brought to light the need of road safety measures on



district and village roads. He further said that the provision of speed governing system shall be made compulsory since most of the road accidents happen because of speeding on National Highways and Expressways. He put a question before the panel that what kind of accountability for road authorities should be imposed in terms of penalty? He stressed upon the infrastructural challenges of road designs like, lack of service roads due to insufficiency of land, technological challenges and overall need for improvement in these. He suggested for putting metal or

rubber crash guard should be installed at accident prone zones. Elaborating on provision of Good Samaritans, he pressed for immediate steps for education and campaigning specially dedicated to road safety. He pointed out that logistically it is not possible for a person to report to a Police station even once, in road accident cases on highways, thus uniform guidelines on Good Samaritans needs to be framed addressing these kind of issues.

Harish Chandra Meena, MP, Lok Sabha and a member of Parliamentary Standing

Committee on Transport and former DGP of Rajasthan said that before pondering on the question of road safety, we need to define the who is a road user and what are road uses especially, Indian road user scenario is unique and needs attention. All social activates such as marriage processions, demonstrations, kiosks, Dhabas, domestic animals and bullock carts happen on road, so who's safety we



are looking for? He questioned. Rajasthan alone contributes to 10,000 road deaths every year, he cited. He also talked about the designs of the roads being such that it divides the village in two parts, so all the time people keep crossing the road by which road safety is affected, he stated while reflecting on the Jaipur-Delhi express highway which has failed to provide time efficiency to the road user, despite being a six way lane. Expounding on road engineering aspect he called for an all-inclusive road safety engineering including, road engineers, safety engineers, NHAI, contracting party, and other stakeholders. He stressed on all-inclusive approach through convergence of inputs from all stakeholders in safe road engineering starting from planning to execution. Parking on the roads should be restricted. With regard to stringent penalties he said that traffic fines can be increased but raising fine alone cannot solve the problem of road accidents like raising penalty and fines does not have much impact or deterrence for reducing serious crime. He also emphasized on education and awareness on road safety right at level of schools and homes. He also emphasized on the improving granting of license system by unifying multiple licensing authorities that will curb holding of multiple licenses.

P. Bhattacharya MP, Rajya Sabha, shared his own experience of a road accident and



mentioned that he is still carrying with the trauma experience with him and made an innovative suggestion. He suggested to have adequate trauma care centres and Mobile Trauma Centres with well-equipped ambulances and trained staff, especially for national and state highways to provide speedy medical assistance during golden hour. While underlining the golden hour, he added that because of good medical assistance he got while he met with an accident, he is alive. He unequivocally supported the campaign on Road safety awareness and education.

N.K. Premchandran, MP, Lok Sabha, remarked that the Amendment Bill, 2016 is not alone sufficient to solve road safety issues in country. He underlined the need to control vehicular population on road like in developed countries, where passenger transport systems are well developed to reduce individual vehicle ownership. He craved attention of the panel on the fact that maximum of road deaths is the young population of age group between 15-35 and cause and effect relationship to alcohol



consumption by young bike riders and accidents caused due to it. Drunken driving provisions proposed in the bill not sufficient and Two-wheeler driving should be controlled he said lending his support in favour of reducing the BAC level in the present Act. He, however, expressed his reservation to diminishing State powers in various provisions of the Act because States better understand local needs. He spoke in favour for safe road design by incorporation of a safety audit mechanism for a period of time. Appreciating suggestions made by CUTS, he except some reservation was in full support for legislative changes in direction road safety.

Rangasayee Ramakrishna MP, Rajya Sabha and a member of Parliamentary Standing Committee on Transport, applauded CUTS for its advocacy programme for better road

safety. He said that there have been untiring efforts in direction of road safety since 2014 which are finally getting shaped in the extant Bill, 2016. He streamlined his thoughts on two broad aspects which are urban road transport and highway road transport; the parameters of road safety are different in both the scenes, he adduced. In the former, there is a combination of other issues like different road uses, vehicular population, passenger transport system, traffic management etc. It is imperative to



curb uncontrolled car ownership as there is growing craze for SUVs rather we should promote shared cars. In highways road transport, issues of technical monitoring, speed management, lack of manpower to regulate are key issues. In urban transport planning, multi model transport system should be so developed that different dimensions of road transport can be infused into one, he elucidated while citing world best practices. Safety manpower, technology, establishing more trauma centres should be the focus. In context of highway road transport matrix of highway engineering need to be modified, he stated. States want more freedom but Centre and state governments should work together to solve

the issue of road accidents, he adduced. There should be some provisions for safety of bus and public transport passengers. He spoke in support of enhanced penalties, as the extant penalty limits are inapt and outdated in present times.



Dinesh Trivedi, MP Lok Sabha and former Railway Minister opined that Indian Road scenario is very scary and he is even afraid of driving on Indian roads. He pointed out reason being technology, protocol, monitoring the whole system and discipline.

Thus there must be some deterrence and at the same time there has to be introduction of new technology in the monitoring of the traffic rules violations. He further added that today technologies like, if in front of a running car some pedestrian comes, the car will automatically be stopped, must be adopted in India as well for strict monitoring of the traffic violations. While citing an example of flawless movement of aircrafts in the sky, which may be crossing with the narrow margins of each other but usage of technology in the air traffic control, make the movement safer. Expressing his disagreement with the Bill he said, no thought on having deterrent, license & insurance linked to driving, and procedure on driver licence issuing have been given in the Bill. Doing away with mandatory driver qualification is alarming considering the fact that driving of commercial vehicle drivers is scary, he remarked. Achieving 50 per cent reduction by 2020 is a nice slogan but we need to reform man, machine and system. Therefore only when such improved measures will be in place then only Indian roads can be made safer. He also added that the proposed bill does not give much hope to him.

La Ganesan, MP, Rajya Sabha, drew attention of the panel for road safety aspect in rural areas and vulnerable groups, especially pedestrian safety. He remarked that the Motor Vehicles are designed to suit the foreign roads and thus ignores the local conditions of the country. He cited an example of poor roads in Kerala and said RTOs hardly bothered while issuing license and Vehicle permit if applicants know proper driving. Also, there is a big concern on Commercial vehicle drivers holding multiple Driving License. It should be eradicated and strict and harsh punishment should be given



for serious traffic laws violation. Technology should be given importance, quoting instance he said that in foreign countries we don't see much Police but monitoring and camera everywhere. He suggested that Driving License should be given only if they have parking space and suggested training for Transport vehicle drivers. He emphasised on need of education and awareness. Recognising efforts of CUTS he assured his full cooperation to the cause and offered voluntarily to give his time to facilitate a meeting with the Transport Minister if required, and suggested for encouraging role of civil societies in education and awareness of the common road users.

Tiruchi Siva, MP, Rajya Sabha, made brief suggestions on advanced road designs, he suggested that motor vehicles should not be sold or purchased without proper vehicle safety like

airbags, ABS should be mandatory for all vehicles and child restraint measures. He also suggested for car testing on stimulators at testing centres as a quality check mechanism. He said we should first focus on **top 5 States** with highest road deaths reiterated the need of developing civil sense and good road user behaviour from very school level.

Extending the discussion, **Nalin Sinha**, key partner, Global Road Safety Partnership adduced that best practices around the world must be analysed from Indian perspective and then adopted. He stated that successful countries like Sweden have overcome five risk factors, viz., overspending, Seat-belts, Child safety belts, Motorcycle Helmets, Drink Driving, which are quintessential aspects of road safety. Drawing reference from accident of Shri Gopinath Munde, he suggested, inter alia, for encouraged use of rear seat belts. He quoted that as per Census 2015, 22 per cent people walk to their work, 10 per cent use cycle and 90 per cent use intermitted public transport. Thus, India needs enhanced public transport and road safety guidelines for public transport.

In response to a question put up by Mr. Ramakrishana on what are safety measure



requirement for public transportation, Mr. Nalin responded that however, there is bus design guidelines issued by Ministry of Urban Development and other guidelines of Indian Road Congress, but since the guidelines are not enforceable, they are rendered in abeyance. Thus he emphasized on need of unified design and monitoring guidelines for passenger transport.

Adding further to response, Mr. G K Pillai stated that there is also need to control vehicular population on roads and stop parking of vehicles on roads.

Ashim Sanyal, representing VOICE advocated for a consolidation of regulations, legislation, education and enforcement in direction of Road Safety. He emphasized on strengthening the enforcement mechanism. He stated that amendments to the Motor Vehicles Act alone cannot sufficiently resolve road safety issues in India. In response to Mr. Ramakrishnan's question on requirement of manpower for execution of road safety laws, he suggested for providing manpower dedicated to road safety rather than borrowed manpower.



Summary and Vote of Thanks:

Madhu Sudan Sharma, Senior Project Coordinator, CUTS summarised the discussions held and delivered the vote of thanks to all Parliamentarians. He

apprised the panel of the extensive capacity building done by CUTS in past several months and it was able to reach out to 175 MPs that in turn fructified in encouraging number of participation for the meeting. Summarizing the key takeaways from the discussion, he observed that the importance of the Bill is evident from the active participation of the honourable Members of Parliament in such forums. As a road safety advocate, we at CUTS welcome the participation of the wide range of MPs in the PARFORE to give comments and suggestions on it, he stated. The Bill addresses various crucial safety elements and risk factors, which are globally recognised, should further be strengthened in the bill. He thanked the Parliamentarians for their valuable time and vibrant discussion. He also extended sincere thanks to G.K. Pillai for his scintillating opening remarks and other GRSP partners for their benign presence and suggestions on intricate issues of Road Safety. He further emphasised on need for speedy passage of the Bill and need for campaigning for education and awareness. The meeting saw an unequivocal support for effective passing of the Amendment Bill favouring road safety and generated an effervescent discussion from Parliamentarians cutting across the party lines.

Recommendations:

To capulate the discussion, the meeting had active participation in the round table discussions by MPs and several issues such as licencing system, Safety of children during commute, mandatory use of child restraint systems and ensuring appropriate headgears for children to protect millions of children, lowering the Blood Alcohol Content (BHC) level for new drivers, setting up motor vehicle accident fund, grant of stage carriage permit and important aspects of education and awareness, and enforcement were discussed at length.

There was a consensus that keeping in mind the fact that over 13 lakh people have been killed in road accidents in India in the past decade, this Bill with key provisions need to be passed with strong measures. The Bill, introduced in the Parliament on August 9, 2016, by Union Transport Minister Nitin Gadkari, ambitiously aims to fill the gaps in the road safety legal framework in the country by amending the much older Motor Vehicles Act, 1988 (MVA).

Key recommendations arising out of the discussion meeting can be summarized as follows:

- There should be effective and timely passage of the Motor Vehicle (Amendment) Bill, 2016
- The lowlight areas of the Bill such as need of scientific collection of data, poor road design and accountability thereto, increased penalties, issue of limited insurance, need for enhanced public transportation, control of vehicular population must be adequately deliberated upon.
- There should be augmentation of enforcement mechanism for road safety law and enhanced campaign for education and awareness through integrated effort by all

stakeholders of Road Safety, especially focusing on provision relate to good Samaritans and tools for good road user behaviour.

Highlights:

- As a result of aggressive follow up with the parliamentarians, reaching out almost 175 MPs through letters, phone calls and e-mails and out of that meeting with around 47 MPs face to face to brief them about the MVA Bill, 2016, amendments and proposed recommendations, presence of 8 MPs coming from six major political parties of India was remarkable.
- Active participation of each and every participating MP and other participants was resulted in to vibrant discussions on the MVA Bill, 2016.

Lowlights:

- The stormy extended session of *Rajya Sabah* even beyond 7:00 pm and strategic meetings called by various political parties after 6:00 pm on the day affected the participation of the confirmed MPs for the meeting.

List of participants:

S. No.		S. No.	
1.	Mr. Rangasayee Ramakrishna Member of Parliament Rajya Sabha New Delhi	10.	Mr. George Cheriyan Director CUTS International Jaipur
2	Mr. Jose K. Mani Member of Parliament Lok Sabha New Delhi	11.	Madhu Sudan Sharma Senior Project Coordinator CUTS International Jaipur
3	Mr. Harish Chandra Meena Member of Parliament Lok Sabha New Delhi	12.	Mr. Vijay Singh Centre Head CUTS International Delhi Resource Centre New Delhi
4	Mr. Dinesh Trivedi Member of Parliament Lok Sabha New Delhi	13.	Mr. Amrat Singh Consultant CUTS International Jaipur
5	Mr. La Ganesan Member of Parliament Rajya Sabha New Delhi	14.	Mr. Amar Deep Singh Project Coordinator CUTS International Jaipur
6	Mr. N.K. Premchandran Member of Parliament Lok Sabha	15.	Ms. Mahima Kirori Project Officer CUTS International

	New Delhi		Jaipur
7	Mr. P. Bhattacharya Member of Parliament Rajya Sabha New Delhi	16.	Mr. Nalin Sinha Consultant Global Road Safety partnership New Delhi
8	Mr. Tiruchi Siva Member of Parliament Rajya Sabha New Delhi	17.	Mr. Ashim Snyal Chief Operating Office VIOCE New Delhi
9	Mr. G. K. Pillai, Member, Board of Trustees, Save Life Foundation, New Delhi	18.	

Programme Schedule

5:00 PM	Arrival, registration & Tea
6: 00 PM	Welcome and Introductory Remarks: George Cheriyan, Director, CUTS
6:10 PM	Theme Presentation Motor Vehicle (Amendment) Bill, 2016 Shri G.K. Pillai, Former Home Secretary to Govt. of India & Member, Board of Trustees, Save Life Foundation
6:40 PM	Responses by the Chair
6:55 PM- 7:55 PM	Round Table Discussion Responses by the Honourable Member of Parliamentarian
7:55 PM	Summing up and Vote of Thanks Madhu Sudan Sharma, Senior Project Coordinator, CUTS
8: 00 PM onwards	Dinner