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Government of India/Bharat Sarkar
Ministry of Home Affairs

18 DEC 2015

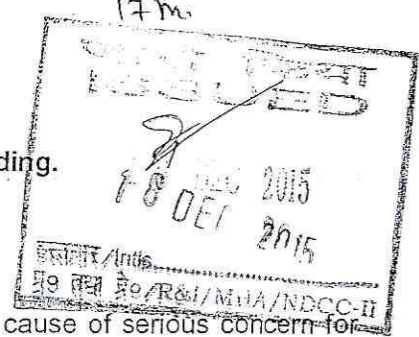
NDCC-II Building, Jai Singh Road,
New Delhi, the December, 2015.

To

✓ The Home Secretaries,
(All State Governments/UT Administration),

Subject:- Advisory on road safety and accidents – Regarding.

Sir/Madam,



Increasing road accidents & fatalities have become a cause of serious concern for the Government. While there are adequate provisions under the Law to prosecute and punish persons causing injury or death by violation of laid provisions for road safety, as per National Crime Record Bureau (NCRB) reports, over the last four years, on an average, 4,50,000 road accidents occurred in India every year, out of which about 1,30,000 resulted in death. As per statistics maintained by Ministry of Road Transport & Highways, during 2014 out of 4,89,400 reported road accidents, there were 1,39,671 fatalities. In order to identify the areas for stricter enforcement, an analysis of road accidents in 2014 was done by NCRB which reveals that over speeding (36.8%) and reckless driving (30.5%) are the major contributors besides other causes such as driving under the influence of drugs or alcohol, overcrowding/overloading of vehicles, mechanical defects in the vehicles, unmanned railway crossing etc. Road accidents are a human tragedy and are avoidable. In addition to punitive actions, preventive steps and voluntary compliance can be very effective in minimizing such incidents.

2. Grant of driving license is the foundation for permitting use of motor vehicles on the road and strengthening of this process can help in minimizing road accidents. It is of utmost importance that drivers are aware of road safety rules and are issued driving licenses only after proving their competence as stipulated in Motor Vehicle Act. Sensitization to the consequences of rule violations also needs to be taken up through screening of short films for such applicants. License issuing authorities must put in place a robust system for competence evaluation to ensure that only eligible applicants pass such tests.

3. There is an urgent need for stricter enforcement of provisions of IPC and MV Act to prosecute and punish persons causing injury or death in offences related to road safety. Some of the important provisions are:

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- a) Section 279 of the IPC states "Rash driving or riding on a public way- Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both".
- b) Section 304-A of the IPC provides for prosecution for causing death by negligence: "Whosoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to two years or with fine or both".
- c) Section 337 of the IPC states "Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both". For cases of causing grievous hurt, Section 338 of the IPC provides for punishment with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.
- d) There are also adequate provisions under the Motor Vehicle Act 1988 for prosecution and punishment by imprisonment and fines, for various offences, such as, driving while under the influence of drugs or alcohol, driving by minors, driving at excessive speeds etc. the provisos of the Act need to be strictly enforced. A brief list of such important provisions is annexed. MV Act has provisions for suspension of license (section 21) and revoking the license (section 19) which may be invoked for repeat offenders of over speeding and dangerous driving.

4. Local authorities need to ensure that speed limit signs are displayed prominently for the awareness of motor drivers. Local authorities may utilize various technology tools such as Speed Radar guns, handheld devices connected to central computer for issuing e-challans and spot verification of repeat offenders at vulnerable points for better enforcement of rules.

5. Efforts also need to be made to sensitize civil society on the dangerous effects of 'Over speeding', 'rash driving', 'drunken driving' and other violation of traffic rules etc. so that they not only convince drivers to comply with such requirements but also come forward to inform the police of such violations through photo/video proofs and facilitate better enforcement of rules.

6. Against the above background, the State/UT Administrations are advised to strictly enforce the law to ensure that drivers follow the motor vehicle rules. The State Governments/UT Administrations may consider any additional measures for road safety and prevention of road accidents caused due to various reasons.

Kindly ensure that this Advisory is circulated amongst all the concerned Departments/Organizations under your jurisdiction for strict compliance.

Yours faithfully,



(Kumar Alok)

Joint Secretary to the Govt. of India

Tel 23438100.



Copy to:-

- ✓ 1. The Director General of Police- All State Governments/UT Administrations.
- C-2778 2. The Secretary, Ministry of Road Transport & Highways, Transport Bhawan, New Delhi.
- C-2779 3. The Secretary, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.
- C-2778 4. The Secretary, Road Safety Committee, Vigyan Bhawan, New Delhi.
- C-2780 5. Joint Secretary (UT), UT Division, MHA, North Block, New Delhi.
- C-2781 6. Director General, BPR&D, CGO Complex, New Delhi.

Important provisions of The Motor Vehicle Act 1988

SNo.	Description of offence	Section / Rule	Maximum of punishment Term of Imprisonment/Fine
1	Driving a vehicle at an excessive speed	S.112r/w S.183(1) of M.V. Act.	Rs. 400 for first offence Rs. 1,000 for second or subsequent offence
2	Driving dangerously / its abetment	S.184/S.188 of M. V. Act.	6 months or Rs.1,000 for first offence or both
3	Racing and trials of speed	S. 189 of M. V. Act	2 years or Rs.2,000 for second or subsequent offence within 3 years of previous commission or both
4	Driver's failure to obey traffic signs (Red light jumping, violation of yellow line, changing lane without	S.119 r/w S.177 of M. V. Act.	One month or Rs. 500 or both
5	Driver's failure to make prescribed signals on prescribed occasions	S.121 r/w. S.177 of M. V. Act.	Rs. 100 for first offence Rs. 300 for second or subsequent offence.
6	Driving by a drunken person or by a person under influence of drugs/its abetment	S.185/S.188 of M. V. Act.	Rs. 100 for first offence Rs. 300 for second or subsequent offence
7	Using mobile phone while driving a vehicle	R.21(25) of C.M.V. rules r/w S.177 of M. V. Act.	6 months or Rs. 2,000 for first offence or both. 2 Years or Rs. 3000 for second or subsequent offence committed within 3 year of previous commission or both.
8	Driver and pillion rider failing to wear protective head gear (Helmet)	S.129 r/w S. 177 of M. V. Act.	Rs. 100 for first offence Rs. 300 for second or subsequent offence
9	Any person keeping a disabled vehicle in any public place so as to cause impediment to the free flow of traffic.	S. 201 of M.V. Act.	Rs. 100 for first offence Rs. 300 for second or subsequent offence
10	Unauthorised alteration in vehicle (including those facilitating its operation by a different type of fuel)	S.52 r/w S.177 of M. V. Act	Rs. 50 per hour besides towing charges Rs.100 for first offence Rs.300 for second or subsequent offence (However, State Government may prescribe different amounts having regard to period of delay)
11	Driving permitting to drive a vehicle carrying excess load	Ss.113(3),114,115 r/w S.194(1) of M. V. Act.	Minimum Rs. 2,000 and additional Rs. 1,000 per ton of excess load together with charges for off-loading the excess load.