

MOTOR ACCIDENTS IN INDIA :: A SOCIO - ECONO - LEGAL STUDY*By***—BHIMISETTY PADMAJA, M.Com., L.L.M.**
Hanamkonda, Warangal Dist., A.P.**Introduction:**

Every member of the society now-a-days is shocked to here about the Motor Accidents and many persons are unable to walk on the roads. Because of motor accidents taking place. Earlier *i.e.*, about 30, 40 years back we could not here about Motor Accidents. Now because of industrialisation, urbanization and the growth of unplanned cities accidents are taking place everywhere. Not only in urban towns but also in rural areas where transport vehicles more for the transportation of goods *etc.*

The roads have become like fields of war where many soldiers die similarly in the case of roads. Blood is flowing on the roads because of negligence of drivers and also other causes like bad and dirty roads and lack of consciousness of the road walkers and other vehicle drivers of two wheelers and four wheelers *etc.* Every year thousands of people are dieing and by which the dependence of victims of the accidents are suffering a lot.

With a view to study the problems relating to motor accidents and victims of accidents. The researcher is having inclination to write this Article, the State has passed an Act called the Motor Vehicle Act, 1988 relating to Motor Vehicles dealing with issue of the licences to the drivers of the vehicles, Registration of the Motor Vehicles, Control of Transport Vehicles provisions relating to State Transport Undertakings, construction, equipment and maintenance of motor vehicles. Control of traffic, insurance of Motor Vehicles against third party risks. The main object of the Act is taking account the need and also in the road transport technology, pattern of passenger and fright movement, development of the road network. In the

country and particularly improved the techniques in the motor vehicles - The Act has defined some important terms like driver, motor car, motor vehicle and different type of vehicles like maxi cab, medium goods vehicle, medium passenger motor vehicle, motor cab, motor car, motor cycle, omni bus, private service vehicle, tractor, transport vehicle *etc.*

Chapter II of the Sec. Act deals with regard to licensing of drivers of motor vehicle such as necessity for driving of motor vehicles. Responsibility of owners, of motor vehicles for contravention. Sec. III, IV, restrictions on the holding of driving licence *etc.*, the Act says that no person can drive a motor vehicle in any public place unless he hold an effective driving licence issued by the authority concerned and it says that and no person shall drive a vehicle other than a motor cab or motor cycle had for his own use or rented under any scheme maid under Sec.75(2) unless his driving licence particularly entitled him so to do. Sec. 4 of the Act specifies that no person under the age of 18 years shall drive a motor vehicle in any public place provided that a motor cycle within a capacity not exceeding 50 cc may be driven in a public place by a person after attaining the age of 16 years, the Act also says that no person under the age of 20 years shall drive a transport vehicle in any public place. No learners licence or driving licence shall be issued to any person to drive a vehicle of the class to which made on an application. Unless he is eligible to drive class of vehicle the Act placed the responsibility of owners of motor vehicles for contravention of the Secs. 3 and 4 of the Act, there are restrictions on the holding of driving licences. In one case¹ it has been observed that a learners licence is also a

1. *National Insurance Co., Ltd. v. Swaran Singh and others*, AIR 2004 SC 1531

licence within the meaning of the provisions of the Act. It can't be therefore said that a vehicle. When a driving by a learner subject to the conditions specified in the licence could not be a person who is not duly licensed resulting in conferring a right on the insurer to avoid the claim of the third party. The Act says that any person who is not disqualified under Section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a driving licence may apply to the licensing authority in the area in which he ordinarily resides or carries business are in which the school or establishment he desire to receive instruction in driving a motor vehicle. He has to give information and submit to other certificates required such as Medical Certificate *etc.*, and along with necessary certificates. After examining the application of the admission and satisfying the other conditions such as relating to the habitual criminal activities such as habitual criminal or habitual drunker *etc.*

Chapter IV of the Act provides procedure for registration of Motor Vehicles with a view to identify owners of the vehicles for violation of any violation of the rules and regulations under different laws. The registration can be suspended for various reasons such as the vehicle in a public place would constitute a danger to the public and for using the vehicle for various reasons such as using the vehicle in a public place would constitute a danger to the public and for using the vehicle for hire or reward without any valid permit.

The registration can also be cancelled where the suspension of a registration of a vehicle continued without interruption for a period of six month and also if the motor vehicle has been destroyed or has been rendered permanently incapable of use within 14 days. The Chapter V deals with the control of transport vehicles. Sec. 72 of the Act provides for the grant of stage carriage permits private vehicles, permits goods carriage permits *etc.*, Chapter VIII of the Act deals with control

of traffic such as prescribing the limits of speed, limit of weight and limitations on use erection of traffic rights, parking places halting stations, driving regulations, duty to obey traffic signs. Vehicles with left and control, signals and signalizing service, safety measures for drivers and pillion riders, wearing of protecting head care. The drivers have to follow certain duties such as duty to take certain precautions at unguarded railway level crossings. Duty of the driver in case of accident and injury to a person *etc.* The driver has got many responsibilities in case of accidents giving information immediately to the concerned authorities *etc.*

There is a law which is very stringent in preventing the accidents. The researcher has briefly highlighted important aspects about the registration of vehicles, rules relating to the granting of driving licences and following of certain duties by the drivers. In spite of a systematic law on the use of motor vehicles the public is constantly violating the law and rules prescribed. It shows clearly that public is not conscious of the traffic sense.

In spite of education and getting frequent warnings by the police and authority concerned. Therefore it is suggested that the subject of motor accidents and motor vehicles are transport vehicles such as trains, will have to be introduced. In all the syllabuses from X to Degree level along with other loss, relating to crimes by way of conducting legal literacy programmes to various sections of the society otherwise we have to loose many lives by which the victims and their dependents will have suffer a lot by facing many of the problem in educating the children and carrying on their livelihood. Due to motor accidents we have added many disabled persons to the existing disable member. Earlier it was very less day-by-day the number is being increased. It is a shame on our part especially in a democratic country failing to take of systematic research on the topic of prevention of motor accidents.

If we open any newspaper and we switch on TV or Radio we shock to see or hear the ghastly motor accidents therefore we are proud about the technological developments for having facilities to have the luxurious life and enjoyments. But we have failed to assess the value of the life to the victims of the people who lost their children, parents, brothers, sisters ultimately many of the victims of the accidents are become orphanage.

The public transport for passengers and goods is very essential in the present days in view of the population increase. But we cannot sacrifice some of our people in the motor accidents a solution will have to be evolved therefore some alternate transport system can be used by using horses wherever possible. People may laugh by suggesting of using of horses in certain places wherever possible to avoid pollution but we have to recollect remember in good olden days. The entire transport system was used by using bullock carts and horses. Now because of fast changes taking place in the migration of persons to different places, towns and cities from rural areas, unplanned growth of cities and towns by constructing multi-storied buildings by way of increasing the population and vehicles naturally the streets and roads are being over crowded leading to losing of the life in the accident and congestions in spite of road widening we are unable to control the traffic congestions therefore a systematic study research is to be done by eminent persons in the field of transport.

The researcher after making study on the subject suggesting the following steps to be taken by the Government through suitable legislation and see that they are implemented scrupulously, systematically and strictly.

Conclusion :

- (1) The vehicles must be restricted and permitting to have only one vehicle

for family there is no necessity of having one vehicle for one person.

- (2) The speed of the vehicles must be reduced to 40 Km/per hour and overtaking driving of the vehicles must be banned totally.
- (3) Using of cells by the drivers during the driving must be banned.
- (4) The no. of traffic police constables be increased to control accidents.
- (5) The issuing of driving licences must be strict by following all the rules and regulations according to the Act.
- (6) The violations of the driving rules and regulations by the riders must be strictly implemented the penalties must be increased and imposed deterrent punishments by keeping them in the Jail atleast for sometime compulsory.
- (7) To create traffic consciousness among the people regularly legal literacy programmes relating to the motor vehicles must be conducted for all sections of the society through radios media.
- (8) The Government should take steps for constructing payments for both sides for walkers who cannot use the vehicles to avoid accidents.
- (9) For crossing the roads by the old people and children at convenient places boards showing walk must be erected keeping one constable for supervising the safety of crossing person.
- (10) No. of Zebra crossing must be increased by colouring the speed breakers showing the indication with lights with radium.