

Bill No. 119 of 2022

THE MOTOR VEHICLES (AMENDMENT) BILL, 2022

By

SHRI JAGDAMBIKA PAL, M.P.

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BILL

further to amend the Motor Vehicles Act, 1988.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

- 5 1. (1) This Act may be cited as the Motor Vehicles (Amendment), 2022.
 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

Definitions. 2. In section 2 of the Motor Vehicle Act, 1988 (hereinafter referred to as the principal Act),— 59 of 1988

(a) clause (1B) shall be remembered clause as (IC) and before the clause (IC) as so remembered, the following clause shall be inserted, namely:—

“(1B) “aggressive driving behaviour” means unsafe driving performed deliberately with ill intent or disregard for safety including the following driving behaviours: 5

(i) tailgating;

(ii) speeding;

(iii) erratic lane changes; 10

(iv) honking;

(v) cutting off other drivers;

(vi) failing to signal;

(vii) running on red lights;

(viii) racing; 15

(ix) failure to obey traffic lights;

(x) shouting, yelling, or taking frustrations out on other drivers;

(xi) bumping other vehicle on purpose;

(xii) getting out of the vehicle or confronting other drivers; and

(xiii) careless, negligent driving, not follow traffic laws, endangering other drivers, pedestrians and properties;” and 20

(b) after clause (37), the following clause shall be inserted, namely:—

“(37A) “road rage” means aggressive driving behaviour stemming from a driver’s uncontrolled anger at the actions of another motorist including hitting vehicle running vehicles off the road pulling over, getting out and engaging in a physical confrontation; inciting passenger(s) to fight the other driver; using any weapon to inflict harm on another driver or vehicle and making a rude hand gesture behind the wheel. 25

Insertion of new Chapter VIII A. 3. After Chapter VIII of the principal Act, the following Chapter and sections thereunder shall be inserted namely:— 30

CHAPTER VIII A

ROAD RAGE

Offence of Road Rage. 138A. Whoever, intentionally hits his vehicle with which of any other person or runs behind someone off the road or pulls over, gets out and engages in a physical confrontation or incites his passenger(s) to fight the other driver or uses any sort of weapon to inflict harm on another driver or vehicle, or makes a rude hand gesture behind the wheel, would be said to commit an offence of act of road rage. 35

Punishment for the offence of road rage. 138B. Whoever commits the offence of road rage shall be punished with rigorous imprisonment for a term of two months, and shall also be liable to a fine which shall not be less than rupees five thousand. 40

Aggravated act of Road Rage. 138C. Whoever commits an offence punishable under sections 182, 183, 184, 185, 186, 190, 192, 192A, 194, 196, 197 and 201 for the first time or drives a motor vehicle in a manner which is dangerous to the public including aggressive

driving behaviours, and thereafter involve in the act of road rage, shall be said to have committed an offence of aggravated act of road rage.

5 138D. Whoever commits the offence of aggravated act of road rage shall be punished for the first offence with the punishment mentioned under sub-section 182, 183, 184, 185, 186, 190, 192, 192A, 194, 196, 197 and 201 and for subsequent offences with imprisonment for a term of six months, and shall also be liable to a fine which shall not be less than rupees ten thousand. Punishment for the aggravated act of road rage.

10 138E. Whoever contravenes any provision of this Act or of any rule, regulation or notification made thereunder shall, if no penalty is provided for the offence be punishable for the first offence with fine which may extend to rupees one thousand and for any second or subsequent offence with fine which may extend to rupees two thousand. General provision for punishment of offences.

15 138F. Whoever disobeys any direction lawfully given by any person or authority empowered under the Act to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence shall be punishable with fine which shall not be less than rupees two thousand. Punishment for disobedience of orders, obstruction and refusal of information.

20 **138G. The Central Government and every State Government shall take all measures to ensure that,—** Public awareness about the road rage.

(1) **the provisions of this Chapter are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public aware of the provisions of this Chapter; and**

25 (2) **the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of this Chapter.**

30 138H. Where any person is convicted of any offence punishable under this Act, it shall be competent for the Court convicting such offender to cause the name and place of residence of such person to be published by the police in the local newspaper where such offence had taken place, together with the fact that such offender had been convicted of the offence under this Act and such other particulars as the Court may deem fit and appropriate, to be allowed to be published. Also, provided that no such publication shall be made until the appeal, if any, filed against such order is finally disposed of. Publication of fact of conviction.

35 **138I. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Chapter.** Provision of Funds by Central Government.

40 **4.** In section 202 of the principal Act, in sub-section (1), for the words and figures “under section 184”, the words and figures “under section 138C or section 184” shall be substituted. Amendment of section 202.

45 **5.** In section 207 of the principal Act, in sub-section (1), for the words and figures “section 39”, the words and figures “section 39 or section 138A or section 138C or section 138E” shall be substituted. Amendment of section 207.

STATEMENT OF OBJECTS AND REASONS

India is ranked second in the world in terms of road links. At the same time, the number of road mishaps, road accidents, and road injury in India is also one of the highest in the world. Aggressive and negligent driving has been a big issue on our streets for some time, and it appears to just be deteriorating and getting worse. With an increasing number of young people getting into the driver's seat, most mishaps and accidents are caused because of an ineffective and reckless driving pattern. Sensation chasing, driving in anger, retaliation, weariness, and stress are some of the components which contribute to perilous driving and people get into circumstances that can be effortlessly and easily avoided. Many lives have been lost as a result of growing intolerance among road users, and this unwelcome hatred that people carry on the road is unquestionably a dreadful flaw that leads to untimely deaths in great numbers. Incidents of shouting, yelling, rude behaviour, and even violence are accounted for often on our roads to where it has procured its name: road rage. The instances of road rage are on the rise and the numbers are increasing every year.

Road rage is aggressive or angry behaviour exhibited by motorists. These behaviours include rude and verbal insults, physical threats or dangerous driving methods targeted at other drivers, pedestrians or cyclists in an effort to intimidate or release frustration. Road rage can lead to alterations, damage to property, assaults and collisions that result in serious physical injuries or even death. Strategies include longhorn honks, swerving, tailgating, brake checking and attempting to fight. These practices incorporate impolite and verbal put-downs, actual dangers, or risky driving techniques designated toward another driver or non-drivers with an end goal to scare, terrify or release irritation and dissatisfaction. Such behaviour patterns can prompt quarrels can cause harm to property and person, whose outcome can result in serious physical and mental injuries or even death or demise. In a simple sense, when a driver enacts or commits some moving traffic offences to jeopardize the life of another person or property or attack with an engine vehicle or other risky weapon by the driver of one engine vehicle on the driver of another engine vehicle can be termed as road rage. Road rage is characterized as the result of forceful and aggressive driving that emerges from conflicts with different drivers. Road rage is a criminal accusation in which the driver is at the fault. Road rage is an extraordinary sight and it normally brings about a great deal of enmity and sometimes results in mishaps and wounds.

Acts of Road rage has increased in general. It is time that we should come up and together find the solution for this uncontrolled behaviour. As road rage is not defined under Motor Vehicles Act, there are no explicit provisions making road range a punishable offence. In conclusion, India needs this legislation to criminalise the act of road rage.

The Bill, therefore, seeks to amend the Motor Vehicles Act, 1988 with a view to include 'road rage' as an offence punishable under the parent Act.

Hence this Bill.

NEW DELHI;
19 February, 2022.

JAGDAMBIKA PAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill *vide* proposed section 138G provides for the Central Government and State Government to give wide publicity to the provision regarding road rage. It also *vide* proposed section 138I provides for the Central Government to provide adequate funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore would be involved as a recurring expenditure per annum.

No non-recurring expenditure is likely to be incurred.

ANNEXURE

EXTRACT FROM THE MOTOR VEHICLES (AMENDMENT) ACT, 1988

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Definitions.	2. In this Act, unless context otherwise requires,—			
	*	*	*	*
	(1B) “area”, in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette;]			
	(37) “registering authority” means an authority empowered to register motor vehicles under Chapter IV;			
	*	*	*	*
Power to arrest without warrant.	202. (1) A police officer in uniform may arrest without warrant any person who in his presence commits an offence punishable under section 184 or section 185 or section 197:			
	Provided that any person so arrested in connection with an offence punishable under section 185 shall, within two hours of his arrest, be subjected to a medical examination referred to in sections 203 and 204 by a registered medical practitioner failing which he shall be released from custody.			
	[(2) A police officer in uniform may arrest without warrant any person, who has committed an offence under this Act, if such person refuses to give his name and address.]			
	(3) A police officer arresting without warrant the driver of a motor vehicle shall if the circumstances so require take or cause to be taken any steps he may consider proper for the temporary disposal of the vehicle.			
	*	*	*	*
Power to detain vehicles used without certificate of registration permit, etc.	207. (1) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of section 3 or section 4 or section 39 or without the permit required by sub-section (1) of section 66 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, in the prescribed manner and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle:			
	Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used in contravention of section 3 or section 4 or without the permit required by sub-section (1) of section 66 he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgment in respect thereof.			
	(2) Where a motor vehicle has been seized and detained under sub-section (1), the owner or person in charge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle and such authority or officer may, after verification of such documents, by order release the vehicle subject to such conditions as the authority or officer may deem fit to impose.			
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further to amend the Motor Vehicles Act, 1988.

(Shri Jagdambika Pal, M.P.)