

Bill No. XXV of 2013

THE MOTOR VEHICLES (AMENDMENT) BILL, 2013

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BILL

further to amend the Motor Vehicles Act, 1988

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

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 2013.

Short title and commencement.

(2) It shall come into force at once.

59 of 1988 5

2. In the Motor Vehicles Act, 1988 (hereinafter referred to as the principal Act), in section 183 for sub-sections (1) and (2), the following sub-sections shall be substituted, namely,—

Amendment of section 183.

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"(1) Whoever drives a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to rupees five thousand, or with both, and for any second or subsequent offence with imprisonment for a term which may extend to three years, or with fine which may extend to rupees ten thousand, or with both and if such an act results in the death of any person, the convict shall be punished with life imprisonment.

(2) Whoever causes any person who is employed by him or is subject to his control to drive a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to rupees five thousand, or with both, and for any second or subsequent offence with imprisonment for a term which may extend to three years, or with fine which may extend to rupees ten thousand, or with both and if such an act results in the death of any person, the convict shall be punished with life imprisonment." 5

Amendment
of section
184.

3. In section 184 of the principal Act,—

(a) for the words "imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees", the words, "imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees" shall be substituted; 10

(b) for the words, "imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both", the words, "imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both and if such an act results in the death of any person, the convict shall be punished with life imprisonment" shall be substituted. 15

Amendment
of section
185.

4. In section 185 of the principal Act,—

(a) for the words "imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both", the words, "imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees, or with both" shall be substituted; 20

(b) for the words, "imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both", the words, "imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both and if such an act results in the death of any person, the convict shall be punished with life imprisonment" shall be substituted. 25

Amendment
of section
186.

5. In section 186 of the principal Act, for the words "with fine which may extend to two hundred rupees and for a second or subsequent offence with fine which may extend to five hundred rupees", the words, " with fine which may extend to one thousand rupees and for a second or subsequent offence with fine which may extend to five thousand rupees and if such an act results in the death of any person, the convict shall be punished with life imprisonment" shall be substituted. 30

Insertion of
new section
186A.

6. After section 186 of the principal Act, the following shall be inserted, namely,— 35

Punishment
for not
wearing
protective
head gear.

“186A. Whoever fails to comply with the provisions of section 129 shall be punishable for the first offence with imprisonment for a term which may extend to three months, or with fine which may extend to rupees two thousand, or with both, and for any second or subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to rupees five thousand, or with both.” 40

STATEMENT OF OBJECTS AND REASONS

There has been a sharp rise in the number of two wheelers on the roads. The majority of them are high end bikes capable of attaining high speeds in short time. In the majority of the accidents involving the two-wheelers, it has been observed that the fatality could have been avoided, if the drivers and companion had been wearing helmets. It is very strange that though the people purchase expensive bikes, yet they are not ready to invest in purchasing a helmet which can save lives in an accident. In this connection, the deterrence provided by way of fine in the Motor Vehicles Act, 1988 is too low and has failed to instill discipline among the two-wheeler drivers regarding compulsory wearing of helmets while driving.

Similarly, there has been a sharp increase in the number of other four wheeler vehicles on the roads. The new vehicles coming on the roads are again capable of reaching high speeds in seconds, which at times pose great danger to other vehicles and pedestrians as well who also use roads at the same time. The owners of these high end vehicles are elite and affluent who drive these vehicles dangerously specially after consuming alcohol as for them the punishment provided in the Motor Vehicles Act, 1988 is meagre and thus does not act as an effective deterrent.

The offences of causing death by rash and negligent driving are a matter of grave public concern and are among the most difficult cases for courts to decide quantum of imprisonment. There is a growing perception among public that punishment in such cases which come after a long time, is very lenient. Thus, it is felt that the fine and punishment in the Motor Vehicles Act, 1988 for offences of driving two wheelers without helmets, causing death by rash and dangerous driving or driving under the influence of alcohol or other intoxicants may be raised substantially so that besides being more deterrent it can instill a sense of discipline among the drivers.

Hence this Bill.

MANSUKH L. MANDAVIYA

ANNEXURE

EXTRACTS FROM THE MOTOR VEHICLES ACT, 1988

(59 OF 1988)

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CHAPTER XIII

OFFENCES, PENALTIES AND PROCEDURE

Driving at excessive speed, etc.

183. (1) Whoever drive a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable with fine which may extend to four hundred rupees, or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to one thousand rupees.

(2) Whoever casues any person who is employed by him or is subject to his control in driving to drive a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable with fine which may extend to three hundred rupees, or, if having been previously convicted of an offence under this sub-section, is again convicted of an offence under this sub-section, with fine which may extend to five hundred rupees.

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Driving dangerously.

184. Whoever drives a motor vehicle at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punishable for the first offence with imprisonment of a term which may extend to six months or with fine which may extend to one thousand rupees, and for any second or subsequent offence if committed within three years of the commission of a previous similar offence with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

Driving by a drunken person or by a person under the influence of drugs.

185. Whoever, while driving, or attempting to drive, a motor vehicle,—

(a) has, in his blood, alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or

(b) is under this influence of a drug to such an extend as to be incapable of exercising proper control over the vehicle,

shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both.

Explanation.— For the purposes of this section, the drug or drugs specified by the Central Government in this behalf, by notification in the Official Gazette, shall be deemed to render a person incapable of exercising proper control over a motor vehicle.

Driving when mentally or physically unfit to drive

186. Whoever drives a motor vehicle in any public place when he is to his knowledge suffering from any disease or disability calculated to casue his driving of the vehicle to be a source of danger to the public, shall be punishable for the first offence with fine which may extend to two hundred rupees and for a second or subsequent offence with fine which may extend to five hundred rupees.

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RAJYA SABHA

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further to amend the Motor Vehicles Act, 1988

(Shri Mansukh L. Mandaviya, M.P.)