

GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
RAJYA SABHA
UNSTARRED QUESTION NO-3627
ANSWERED ON-02/04/2025

ROAD ACCIDENTS AND EVASION OF ACCOUNTABILITY

3627. SHRI DHAIRYASHIL MOHAN PATIL:

Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state :-

- (a) the steps being taken by Government to prevent road accidents and ensure road safety;
- (b) the provisions being implemented by Government to fix accountability and ensure justice for victims in the cases where accused persons manage to evade legal proceedings or do not fear authorities; and
- (c) whether Government is formulating any new policy to take strict action against offenders and expedite the investigation process?

ANSWER

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS

(SHRI NITIN JAIRAM GADKARI)

(a) Government in the Ministry of Road Transport and Highways has formulated a multi-pronged strategy to address the issue of road safety based on Education, Engineering (both of roads and vehicles), Enforcement and Emergency Care. Accordingly, various initiatives have been taken for road safety in the country as per Annexure.

(b) and (c) The Motor Vehicles (Amendment) Act, 2019 as stands implemented provides for strict penalties for ensuring compliance and enhancing deterrence for violation of traffic rules and strict enforcement through use of technology. Enabling provisions relating to payment of compensation/relief to victims of road accidents and their families have been given in the Motor Vehicles Act, 1988 under section 161 (Special provisions as to compensation in case of hit and run motor accident), 162 (Scheme for golden hour), 163 (Refund in certain cases of compensation paid under section 161) and section 164 (Payment of compensation in case of death or grievous hurt).

Enhanced compensation to victims of Hit and Run motor accidents (from Rs. 12,500 to Rs. 50,000 for grievous hurt and from Rs. 25,000 to Rs. 2,00,000 for death) vide notification dated 25th February, 2022

Issued notification dated 25th February, 2022 mandating the procedure for detailed investigation of road accidents, the Electronic Detailed Accident Report (eDAR) and its reporting, along with timelines for different stakeholders and for faster settlements of claims by the Motor Accident Claim Tribunal (MACT). Claims are filed at Motor Accident Claims Tribunals at State Level. Also notified rules for the Central Motor Vehicles (Motor Vehicle Accident Fund) Rules, 2022 vide notification dated 25th February, 2022.

In line with commitment to reduce fatalities due to road accidents and the legal mandate under section 162 of Motor Vehicles Act, 1988, the Government has implemented a pilot program for providing cashless treatment to victims of road accidents caused by use of motor vehicle, on any category of road, in collaboration with National Health Authority. Under this scheme, the eligible victims are administered Health Benefit Packages relating to trauma and polytrauma care at

empanelled hospitals under Ayushman Bharat Pradhan Mantri-Jan Arogya Yojana (AB PM-JAY), up to a maximum of Rs. 1.5 lakh for a maximum period of 7 days from date of accident. This implementation on pilot basis is administered under the aegis of the Motor Vehicle Accident Fund, constituted under section 164B of the Motor Vehicles Act, 1988. The sources of fund and its utilization has been prescribed under the Central Motor Vehicles (Motor Vehicle Accident Fund) Rules, 2022.

Section 136A of the Motor Vehicles Act, 1988 provides for installation of electronic monitoring and enforcement of road safety on National Highways, State Highways, roads or in any urban city within a State which has a population up to such limits as maybe prescribed by the Government. Accordingly, Government in Ministry of Road Transport & Highways published rules in August 2021 for Electronic Monitoring and Enforcement of Road Safety at high-risk and high-density corridors on National Highways, State Highways and at critical junctions in cities having population of more than one million in the country and cities under National Clean Air Programme (NCAP). For the purpose of this rule, “electronic enforcement device” means a speed camera, closed-circuit television camera, speed gun, body wearable camera, dashboard camera, Automatic Number Plate Recognition (ANPR), Weigh In Machine (WIM) and any such other technology specified by the respective State Government.

Advanced Traffic Management System (ATMS) is installed in high traffic density National Highways and National Expressways such as Delhi-Meerut Expressway, Trans-Haryana, Eastern Peripheral Expressway etc. by National Highways Authority of India (NHAI). Advanced Traffic Management System (ATMS) has provisions for various electronic enforcement devices which help in speedy identification of incidents on the highway stretches and effectively monitor the highways, thereby improving the response time of the on-site assistance.

In October, 2023, NHAI has also revised the standard ATMS document which gives the functional and technical specifications of ATMS solution and its sub-systems like Video Surveillance System, AI based Video Incident Detection and Enforcement System (VIDES), etc. The document also provides for enabling API based e-challan by Enforcement Agencies through VIDES, integration with Rajmarg Yatra, NHAI One App, providing live camera feeds to NHAI Offices and Enforcement agencies, etc.

In new NH projects on high density and high speed corridors of NHAI, installation of ATMS is generally a part of the project. Further, ATMS is also implemented as standalone projects in already constructed important corridors.

As per recommendations of the Department-related Parliamentary Standing Committee on Home Affairs, in its 111th, 128th and 146th Reports, the Government in Ministry of Home Affairs has undertaken the comprehensive review of criminal laws by taking into account the suggestions of all stakeholders. “Bharatiya Nyaya Sanhita, 2023” was introduced to repeal the Indian Penal Code and assented to by the Hon’ble President on 25.12.2023. Section 279 and 304A of IPC now correspond to section 281 and 106 (2) of Bharatiya Nyaya Sanhita, 2023 details of which are as under:

Section 281: 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.

Section 106(2): Causing death by negligence – Whoever causes death of any person by rash and negligent driving of vehicle not amounting to culpable homicide, and escapes without reporting it to a police officer or a Magistrate soon after the incident, shall be punished with imprisonment of either description of a term which may extend to ten years, and shall also be liable to fine.

As per Gazette Notification No. 1/3/2023-Judicial Cell-I dated 23.02.2024, the Government appointed the 1st day of July, 2024 as the date on which the provisions of the Bharatiya Nyaya Sanhita, 2023, except the provision of sub-section (2) of section 106, shall come into force.

The Motor Vehicles (Amendment) Act, 2019 passed by Parliament, has strengthened the law to improve the Road Safety scenario and reduce loss of lives. While Central Government formulates rules under the Motor Vehicle Act, 1988, the enforcement of these rules comes under the purview of State Governments/UT Administrations. Further, Law & Order is a State Subject.

ANNEXURE REFERRED TO IN REPLY TO PART (a) OF RAJYA SABHA UNSTARRED QUESTION NO. 3627 ANSWERED ON 02.04.2025 ASKED BY SHRI DHAIRYASHIL MOHAN PATIL REGARDING ROAD ACCIDENTS AND EVASION OF ACCOUNTABILITY.

Details of various initiatives taken by the Government in Ministry of Road Transport and Highways for road safety : -

(1) **Education:**

- i. Administers Road Safety Advocacy Scheme to provide financial assistance to various agencies for raising awareness about road safety and for administering road safety programs.
- ii. Observance of National Road Safety Month/Week every year for spreading awareness and strengthening road safety.
- iii. Administers a scheme for setting up of Institutes of Driving Training & Research (IDTRs), Regional Driving Training Centres (RDTCs) and Driving Training Centres (DTCs) at state/district level across the Country.

(2) **Engineering :**

2.1. Road engineering:

- i. Road Safety Audit (RSA) of all National Highways (NHs) has been made mandatory through third party auditors/ experts at all stages i.e. design, construction, operation and maintenance etc.
- ii. High priority is accorded to identification and rectification of black spots /accident spots on NHs.
- iii. Road Safety Officer (RSO) has been designated at each Regional Office of road owning agencies under the Ministry to look after RSA and other road safety related works.
- iv. Administers the electronic Detailed Accident Report (e-DAR) Project to establish a central repository for reporting, management and analysis of road accidents data across the Country.
- v. Issued guidelines for the provision of signages on Expressways and National Highways to offer improved visibility and intuitive guidance to the drivers.
- vi. Provisions have been made in the Motor Vehicles Act, 1988 for failure to comply with standards for the road design, construction and maintenance, as prescribed by the Central Government from time to time.

2.2 Vehicle engineering:

Various initiatives were undertaken to make vehicles safer, including the following:-

- i. Mandatory provision of an airbag for the passenger seated on the front seat of a vehicle, next to the driver.
- ii. Prescribed norms related to safety measures for children below four years of age, riding or being carried on a motor cycle. It also specifies use of a safety harness, crash helmet and restricts speed to 40kmph.
- iii. Mandatory provisions for fitment of following listed safety technologies: -

For M1 category vehicles:

- Seat Belt Reminder (SBR) for driver and co-driver.
- Manual Override for central locking system
- Over speed warning system.

For all M and N category vehicles:

- Reverse Parking Alert System
- iv. Mandated Anti-Lock Braking System (ABS) for certain classes of L [Motor vehicle with less than four wheels and includes a Quadricycle], M [Motor vehicles with at least four wheels used for carrying passengers] and N [Motor vehicles with at least four wheels used for carrying goods which may also carry persons in addition to goods, subject to conditions stipulated in BIS standards] categories.
 - v. Mandated speed limiting function/speed limiting device in all transport vehicles, except for two wheelers, three wheelers, quadricycles, fire tenders, ambulances and police vehicles.
 - vi. Published the rules for recognition, regulation and control of Automated Testing Stations, which define the procedure for fitness testing of vehicles through automated equipment and the procedure for grant of fitness certificate by ATSS. The rules have been further amended on 31.10.2022 and 14.03.2024.
 - vii. Formulated the Vehicle Scrapping Policy based on incentives/dis-incentives and for creating an ecosystem to phase out old, unfit and polluting vehicles.
 - viii. Formulated a Scheme to set up one model Inspection & Certification Centre in each State/UT with Central assistance for testing the fitness of vehicles through an automated system.
 - ix. Published rules regarding the Bharat New Car Assessment Program (BNCAP) to introduce the concept of safety rating of passenger cars and empower consumers to take informed decisions.
 - x. Published rules regarding prescribed level playing field in the area of manufacturing of buses by Original Equipment Manufacturers (OEMs) and Bus Body Builders.
 - xi. Mandated vehicles, manufactured on or after 1st October, 2025, shall be fitted with an air-conditioning system for the cabin of vehicles of N2 (goods vehicle with gross vehicle weight exceeding 3.5 tonnes but not exceeding 12.0 tonnes) and N3 (goods vehicle with gross vehicle weight exceeding 12.0 tonnes) category.
 - xii. Published rules for revision of standards for Safety Belt, Restraint Systems and Safety Belt Reminder to provide provisions for applicability of revised standards for safety belt assemblies, safety belt anchorages and the installation of Safety Belts and Restraint Systems, in Motor vehicles of category M,N and L7 w.e.f. 01st April, 2025. Further, the vehicles of category M1, manufactured on and after the 1st April 2025, shall meet the requirement of safety belt reminder for all front facing rear seats as per AIS-145-2018.

(3) Enforcement:

i. The Motor Vehicles (Amendment) Act, 2019 as stands implemented provides for strict penalties for ensuring compliance and enhancing deterrence for violation of traffic rules and strict enforcement through use of technology. Traffic management and enforcement is essentially in the domain of State Governments/UT Administrations. While Central Government formulates rules under the Motor Vehicle Act, 1988, the enforcement of these rules comes under the purview of State Governments/UT Administrations. The Government has specifically requested all States/ UTs for strict implementation of provisions of Motor Vehicles Act, 1988 related to overloading of vehicles.

ii. Issued rules for Electronic Monitoring and Enforcement of Road Safety. The rules specify the detailed provisions for placement of electronic enforcement devices on high risk & high density corridors on National Highways, State Highways and critical junctions cities having a population of more than one million in the country and cities under National Clean Air Programme (NCAP).

iii. On 10th June, 2024, the Government has issued an advisory to all the States and Union territories on technological interventions for ensuring compliance with Motor Vehicle Act, 1988.

(4) **Emergency care:**

i. Published rules for the protection of Good Samaritan, who in good faith, voluntarily and without expectation of any reward or compensation renders emergency medical or non-medical care or assistance at the scene of an accident to the victim or transports such victim to the hospital.

ii. Enhanced compensation of victims of Hit and Run motor accidents (from Rs. 12,500 to Rs. 50,000 for grievous hurt and from Rs. 25,000 to Rs.2,00,000 for death).

iii. The National Highways Authority of India has made provisions for ambulances with paramedical staff/Emergency Medical Technician/Nurse at toll plazas on the completed corridors of National Highways.

iv. Government in Ministry of Road Transport and Highways along with National Health Authority (NHA), has implemented a pilot program for providing cashless treatment to victims of road accidents in Chandigarh, Haryana, Punjab, Uttarakhand, Puducherry and Assam.
