



Change gears-States should reconsider their opposition to amendments to the Motor Vehicles Act

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Highlights

Issues

- India's law governing motor vehicles and transport is archaic, lacking the provisions necessary to manage fast motorisation.
- The lacunae in the Motor Vehicles Act, 1988, require to be addressed to improve road safety, ensure orderly use of vehicles and expand public transport.

The Motor Vehicles (Amendment) Bill, passed by the Lok Sabha last year, seeks to do this, but it has now run into opposition in the Rajya Sabha because of its perceived shift of power from the States to the Centre.

Concerns

- The issue is not one of legislative competence; as the subject is in the Concurrent List, Parliament can make a law defining powers available to the States.
- Some State governments are concerned about the new provisions, Sections 66A and 88A, which will empower the Centre to form a National Transportation Policy through a process of consultation, and not concurrence.
- The changes will also enable Centrally-drafted schemes to be issued for national, multi-modal and inter-State movement of goods and passengers, for rural mobility and even last-mile connectivity.
- Since all this represents a new paradigm that would shake up the sector, several States have opposed the provisions as being anti-federal.

Creating an equitable regulatory framework for the orderly growth of services is critical. This could be achieved through changes to the MV Act that set benchmarks for States.

Needed changes

- The effort to curb institutionalised corruption at Regional Transport Offices by making it possible for dealers to directly register new vehicles, and enabling online applications for driving licences is welcome.
- Care is needed to see that other measures, such as sharply enhancing fines for rule violations, do not only result in greater harassment.
- It is the certainty of enforcement, zero tolerance and escalating penalties that will really

work.

Bill focus

- The proposed amendment bill focuses on safety of children during commute, protection of vulnerable road users such as pedestrians and children, and provision of special lanes for non-motorised transport like bicycles.
- The more important aspect of the bill is to incorporate the Good Samaritan guidelines gives legal backing to protection from civil and criminal liability to those who come to the aid of road accident victims.
- There are some new provisions to harness technology, including CCTV monitoring, to improve road safety, but these cannot produce results when there is no professional accident investigation agency to determine best practices.

The Motor Vehicles Act, 1988

- The Motor Vehicles Act, 1988 is an Act of the Parliament of India which regulates all aspects of road transport vehicles. The Act came into force from 1 July 1989.
- It replaced Motor Vehicles Act, 1939 which earlier replaced the first such enactment Motor Vehicles Act, 1914.
- The Act provides in detail the legislative provisions regarding licensing of drivers/conductors, registration of motor vehicles, control of motor vehicles through permits, special provisions relating to state transport undertakings, traffic regulation, insurance, liability, offences and penalties, etc.

For exercising the legislative provisions of the Act, the Government of India made the Central Motor Vehicles Rules 1989.

Source: [The Hindu](#)

