

## **EXECUTIVE SUMMARY**

Considering tremendous increase in fatal road accidents for various reasons, particularly, invent of high speed luxury cars/vehicles and irresponsible driving, immediate action is required for controlling rough, rash and negligent driving. For that purpose, following suggestions are made for implementing existing Motor Vehicles Act, 1988 and the Rules framed thereunder, at the earliest and to revise the existing notification issued by the State Government u/s. 200 of the M.V. Act, for composite fees for traffic offences.

- (i)** For controlling the vehicular road accidents due to over-speeding, maximum speed limit should be notified for cities and towns and violation thereof should be made punishable, by issuing statutory notification. Further, Rule 21(9) of the Central Motor Vehicles Rules, 1989 should be implemented in its true manner.
  
- (ii)** Many of the vehicular road accidents take place due to drunken driving. The Gujarat Prohibition Act is in force which is required to be strictly implemented. For appropriately dealing with the cases due to drunken driving, blood examination of the driver should be on the spot. Further, Section 19(f) of the said Act and Rule 21(16) of the said Rule require strict implementation because such accidents are increasing.

**(iii)** Now-a-days, road accidents take place due to using electronic equipments like, mobile phone, etc. For controlling the use of mobile phone, the Ministry of Road, Transport & Highways (MVI Section), Government of India has issued certain directions by its letter dated 03<sup>rd</sup> July, 2009. For this, it is to be stated that there is no justifiable reason for not implementing the said directions and also no reason for not punishing the license holder under Section 19 of the said Act for use of mobile phone while driving.

In any case, mobile phone used by the driver while driving should be seized and deposited in the specified office for atleast a day and can be released only after payment of fixed composite fee.

**(iv)** Road accidents also take place due to red light jumping. Red light jumping is required to be controlled by imposing maximum prescribed fines for “Composite Fee (Fine)”.

**(v)** It has been observed that drivers avoid safety gears like seat belts and helmets. The person who violates by not using safety gears namely, seat belts or helmets, should be stopped on the spot and penalty should be recovered.

There should be a rule in Government offices, schools and other such institutions that the employee who do not use the seat belt/helmet, would not be permitted to park the vehicle in the premises.

**(vi)** In addition, nobody thinks about controlling air pollution by some vehicles, particularly, rickshaws and two-wheelers. The guideline prescribed by the Rule 115 of the said Rule requires to be strictly implemented.

**(viii)** Many of the times, it has been observed that accidents take place due to movement of animal/s on the road. Hence, movement of animals on the road should be restricted. For this purpose, effective control should be there.

**Date : August, 2014**

**Place: Ahmedabad**

**JUSTICE M. B. SHAH**

**Former Judge, Supreme Court of India**

**AND**

**Chairman, Gujarat State Law Commission**