

SEMINAR

ON

TRAGIC ROADS

HELD ON October 30 & 31, 1993

VENUE : YOJNA BHAWAN, LUCKNOW

Convener

RAGHUNATH PRASAD

Director

AWADH BEHARI HAJELA



INSTITUTE OF JUDICIAL TRAINING & RESEARCH, U. P.

1/19, VISHWAS KHAND-1, GOMTI NAGAR

LUCKNOW

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1/19, Vishwas Khand-1, Gomti Nagar

LUCKNOW

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*India, O Land verdant in richness ;
Of rivers wide and fast ;
Whose banks give life and succour
To man and all God's creatures.*

*India, a Land of poets and musicians ;
Of Temples rich adorned
With stone tracery and flowers
Depicting Ram's great wisdom
And the Love of God.*

*India, a Land whose air possesses
A delicate fragrance true ;
A Land of people rich in welcome,
To those from lands a far.*

*India, a Land that has inspired
So many orbists great ;
Of Kipling, who did India Love
And O so many more.*

*India, a Land of contrasts,
A Land so full of life
And everywhere one can observe
All aspects of man's culture.*

*To India I will return,
For me this is decreed ;
My destiny will be to come
Back to the Land of Krishna wise.*

O India, to Thee be praise !

Sept. 15th '92

Martin Leadbetter

Foreword

The proposal for this Seminar was, very much, embedded in the 'Annual Schedule' for 1993-94 of the U.P. Institute of Judicial Training and Research, Lucknow. And with the support and effort of the interior faculty, it came to be, timely, held on 30 and 31 Oct., 1993 at the local Yojna Bhawan. That the people from judiciary, executive, military, police, insurance belonging to various parts of the country and, also, Nepal participated has been of immense encouragement to those involved in the organisation of it. The result has been indicated, in the last, for ready reckoning and follow up action at every appropriate level with other stuff duly precedent.

March, 1994.

Awadh Behari Hajela
Director

R. P. SRIVASTAVA
H. J. S.
JOINT DIRECTOR (TRG.)

Phone : O : 392081
R : 235258

Institute of Judicial
Training and Research, U.P.
1/19, Vishwa Khand-1
Gomti Nagar
Lucknow-226 016

J.T.R.I./Trg./90-93

Date Oct. , 1993

Sir,

The Institute of Judicial Training and Research, U.P. provides training to the Judicial Officers and other officers and conducts researches with a view to make the system more effective.

With the emergence of an ultra modern age which has led to strides of progress in all spheres of life, we have switched from fast to faster vehicular traffic which has come as a boon to many, though some times in the case of some it has also proved to be a misfortune. Parking of heavy vehicles on the wrong side, hurrying past traffic signals on the sly, neglecting to keep to the left of the road, driving vehicles criss-cross, riding scooter without helmets and with whole family on pillions, thoughtless cycling and pedestrian jay-walking with lawless ease, suffocating jam packing of stage carriages and hell driving of minibuses, overloading of trucks with perilous projections and above all, policemen if any, proving by helpless presence that law is dead in this milieu charged with melee-such is the daily, hourly scene of summons by death to innocent persons who take to the roads believing in the bonafides of the traffic laws. Then to welcome and trap in its fold, defaced and deshaped roads are in awaiting. By these processes of lawlessness, public roads are now lurking death traps. More people die of road accidents and so much so that Indian highways are among the top killers of the country. Due to lack of citizens tort consciousness, apathy shown by medico legal experts and administrative and police functionaries and helplessness of the courts to award damages to the injured or the legal representatives of the deceased, at the earliest, families face serious (socio-economic

problems on account of the involvement of the main bread winner.

Under these constrained circumstances after giving full thought to it, the Institute has planned to organize a Seminar on 30/31 Oct., 1993 at Lucknow, in which there will be intensive and extensive exposure of haves and have-nots of traffic regulations, law relating to Motor Accident Claims and Fatal Accidents and death caused by rash and negligent drive with a view to devise ways and means to curb and irradicate menacing problems by way of suggesting ways for improving traffic habits and traffic regulations and suggesting modifications and modulations in some of the existing laws and in doing so we shall invite discussions and deliberations of the comparative study of the existing common law. The participants level will be senior officers from judiciary, executive, military and police services, selected social organizations and representatives of the Insurance companies.

The tentative topics to be included in the Seminar, are as follows :

30th Oct., 1993

INAUGURATION

THEME I :

Causative Study of Accident Contributing Factors:

—Rash and Negligent Driving :

Ways and Reasons

Post Accident Problems :

Police Procedure

Medico & Legal

THEME II :

Remedial Measures :

Traffic Safety Education & Publicity

31st Oct., 1993

THEME III :

Motor Vehicle Trial and Compensation Proceedings

THEME IV :

Statutory and Administrative Amendments

VALEDICTORY SESSION

You are requested to participate in the Seminar. You may also send an Article or paper at the earliest to be read and circulated for deliberation.

While thanking you, I solicit follow ups from your end.

Yours Sincerely

R.P. Srivastava

Convener

रघुनाथ प्रसाद

ड० ग्वा० से०

संयुक्त निदेशक (प्रशिक्षण)

आवास : 235258

392081

392205

दूरभाष : 392245

392246

न्यायिक प्रशिक्षण एवं अनुसंधान संस्थान

उत्तर प्रदेश

जे०टी०आर०आई०/प्रशि०/90-93

1/19, विश्वास खण्ड-1

गोमती नगर

लखनऊ-226016

दिनांक

महोदय,

हमारा संस्थान न्यायिक अधिकारियों एवं अन्य अधिकारियों को प्रशिक्षण प्रदान करता है और साथ ही साथ विभिन्न विधिक वर्तमान प्रणालियों को तारतम्य देने के लिए वस्तुपरक अनुसंधान भी करता है।

अत्याधुनिक युग के प्रादुर्भाव के फलस्वरूप जीवन के प्रत्येक क्षेत्र में प्रगति के पथ पर हम सभी आगे बढ़े हैं और इसी के फलस्वरूप हम सभी तीव्र से तीव्रतर आवागमन के साधनों की ओर उन्मुख हुए हैं, जो अनेकों को परदान के रूप में सिद्ध हुए हैं, किन्तु कुछ प्रकरणों में, कुछ के लिए ये दुर्भाग्य-सूचक बने हैं। गलत स्थानों पर बड़ी गाड़ियों का पड़ाव करना, मातायात के सकेत, गूडरामक उपायों द्वारा शीघ्रता से नकारना, जान बूझकर सड़क के बायें चलने से कतराना, गाड़ियों को आड़े-तिरछे संचालित करना, स्कूटरों को बिना धिरस्त्राण तथा सीट के पीछे सम्पूर्ण परिवार को बँटाकर चलाना, पथ पर विचार-विहीन ढंग से साइकिल लेकर चलना, विधि विहीन शून्य एवं मतवाले ढंग से पैदल यात्रियों का आवागमन करना, वाली-गाड़ियों में खचाखच भीड़ सादकर चलना, मिनी बस का उपेक्षापूर्वक, द्रुतगति से चलाना, क्षमता से अधिक सामान सादकर तथा गाड़ी से बाहर सामान को निकालकर टुकों का चलाना और इससे बढ़कर पुलिस कर्मियों का चौराहों पर मूक एवं असमर्थ प्रहरी के रूप में खड़ा रहना आदि कृत्य देखकर ऐसा प्रतीत होता है, जैसे इस राज्य में विधि शून्य साम्राज्य है और इसी कारण आज के आवागमन के साधन, इस दुर्दान्त कथानक के परिवेश में प्रतिदिन, प्रति घण्टा उन निर्दोष व्यक्तियों के सम्बन्ध में जानलेवा सिद्ध होती हैं, जो आवागमन के नियमों का सदासत्यतापूर्ण आचरण करते समय काल-कवलित हो जाते हैं। और तो और, दरार-कटाव बाहुल्य सड़के, ऐसा प्रतीत होता है, जैसे पथिकों को अपने अन्धकारमय पार्श्व में अंगीकृत करने के लिए सर्वत्र लालायित रहती हैं। इन्हीं प्रकरणों के विधि-हीन प्रसंगों के

कारण आज की सार्वजनिक सड़कें मृत्यु-कूप के रूप में परिवर्तित हो रही हैं। आज अधिक से अधिक लोग सड़क दुर्घटना में मर रहे हैं और अब यह किवदन्ती बन गई है कि भारतीय राज मार्ग, राष्ट्र के लिए सर्वाधिक जानलेवा है। नागरिकों में अपकृत्य चेतना में कमी, दुर्घटना से सम्बन्धित कार्यरत चिकित्सीय विशेषज्ञों की उदासीनता एवं पुलिस तथा प्रशासन की कार्य-प्रणाली की अक्षमता तथा आहत व्यक्ति एवं दुर्घटना में मृत व्यक्ति के विधि-प्रतिनिधि को समय से न्यायाधिकरण द्वारा आर्थिक क्षतिपूर्ति दिला पाने में असमर्थता के कारण, आज के समाज का यह परिवार, जिनका मुखिया दुर्घटनाग्रस्त हो जाता है, भुखमरी के कमार पर आकर खड़ा हो जाता है, और यही सामाजिक-आर्थिक समस्या के रूप में आपके, हमारे और सबके समक्ष अब एक विकराल मूंह बाये खड़ी है।

इन विकट परिस्थितियों में, सभ्यक् विचारोपरांत, संस्थान ने यह विनिश्चित किया है कि दिनांक 30 एवं 31 अक्टूबर, 1993 को लखनऊ में एक संगोष्ठी का आयोजन किया जाए, जिसमें आवागमन के साधनों व नियमों, मृत्यु-कारक दुर्घटना के प्रावधानों, तीव्रता एवं उपेक्षापूर्वक चालन के फलस्वरूप मृत्यु या सांघातिक चोट पहुंचाने के प्रकरण में मोटर दुर्घटना क्षतिपूर्ति विषयक पर सम्यक विश्लेषण हिसा जायेगा, ताकि इन दुर्दान्त समस्याओं से निदान पाने के लिए, निदान उपायों को तलाशा जाए और आवागमन की आदतों व यातायात के निर्देशों एवं वर्तमान विधि-व्यवस्था में आवश्यक परिवर्तन एवं परिवर्द्धन किया जा सके। इस संगोष्ठी में न्यायपालिका, कार्यपालिका पुलिस एवं मिलिटरी विभाग, बीमा निगमों परिवहन विभाग, समाज-सेवी संस्थाओं एवं समाचार-पत्र, दूरदर्शन व अन्य सूचना माध्यमों के प्रतिनिधि भाग लेंगे।

दिनांक 30 अक्टूबर, 1993

उद्घाटन सत्र

प्रथम सत्र (तकनीकी सत्र)

-दुर्घटना कारणों का विश्लेषणात्मक अध्ययन एवं पुलिस, चिकित्सीय एवं विधिक-प्रक्रियात्मक विसंगतियां

द्वितीय सत्र (मुधारारत्मक उपाय)

आवागमन सुरक्षा, शिक्षा एवं तत्संबंधी प्रसारण

JTRI/Trg-93-7057

Your References :

Dated : 20 August, 1993



METROPOLITAN POLICE SERVICE
Forensic Science Laboratory

MR R P SRIVASTAVA
Institute of Judicial Training & Research, U.P.
1/19 Vishwas Khand-1
Gomti Nagar
Lucknow-226 016
INDIA

109 Lambeth Road
London SE17LP
Facsimile 071-230 6253

Dear Mr. Srivastava

Direct line 071-230 6258

Seminar on Tragic Road Accidents

Thank you very much for your letter of 7 August inviting my participation in this seminar and asking for suggestions as to who else you might approach.

For myself, I would call my job "accident reconstruction", which means that I look at the physical evidence at a particular accident to work out what happened and who, if anyone, is to blame. What I am not directly concerned with is road safety and the ways in which drivers can be made to behave more safely and with more responsibility.

I am not sure whether this falls within the scope of your seminar, or whether you are more interested in road safety and legislation. To give you a better idea of what I do I enclose a copy of a paper which I shall be giving at the annual meeting of the Institute of Transportation Engineers in Holland next month.

But in any case I regret that I am not able to attend. The main reason is that of time: I would not now be able to organise a substantial contribution to the seminar by the end of October, added to which I already have commitments around that date. The finances for such a trip are also difficult to arrange with relatively short notice.

The contact at TRL for safety related matters is :

Charles Dowing
Transport Research Laboratory
Old Wokingham Road
Crowthorne

Berks RG 11 6 AU

At Birmingham University the leading authority (whom you may very well have contacted already) is :

Prof. Murry Mackay
Dept of Transportation & Highway Engineering
University of Birmingham
Edgbaston

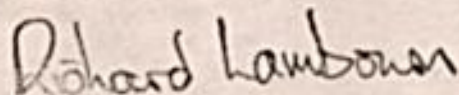
Birmingham B 15 2 TT

I hope this information will be of use to you. Please contact me again if you feel I can help you further on this or any other matter.

Nevertheless I do appreciate your invitation and your offer of payment for my costs in India.

Concerning experts in the UK on road safety, the leading authorities are probably at the Transport Research Laboratory (TRL) and Birmingham University.

Yours sincerely



Richard Lambourn.
Principal Scientific officer

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Mr. R.P. Srivastava,
Joint Director (Training),
Institute of Judicial Training
& Research, U.P.
1/19, Vishwas Khand-1,
Gomti Nagar, Lucknow-226016.

Ref. 44-Ind-1

Date : September 24, 1993

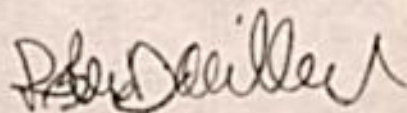
Dear Sir,

Thank you for your letter No. JTRI/Trg./90-93/7306 dated 4 September 1993 regarding your planned forth-coming seminar on traffic regulations to be held in Lucknow on the 30th and 31st of October 1993.

However, I regret to inform you that it will not be possible for the Embassy to depute any representative to take part in the seminar.

We take this opportunity of wishing the seminar every success.

Yours sincerely,



(Ms.) Pernille Dahler Kardel
Second Secretary.



*Embajada de Colombia
New Delhi*

No. 262

New Delhi, 16th September, 1993

Mr. R.P. Srivastava
H.J.S.
Joint Director (Training)
Institute of Judicial Training &
Research
1/19, Vishwas Khand-1, Gomti Nagar
Lucknow

Dear Sir,

Thank you very much for your kind letter dated 4th September, 1993

While I do agree that it is unfortunate to see so many deaths in accidents, it is commendable to see that it does affect people and that you would like to do your bit by organising the Seminar.

I would have definitely liked to attend the Seminar but due to my previous engagements I shall not be in a position to do so. I take this opportunity to wish you all the success in your endeavour.

Yours sincerely,

CARMENZA JARAMILLO
AMBASSADOR



Ambassador of the Republic of Hungary
New Delhi

To,
Mr. R.P. Srivastava
H.J.S.
Joint Director (Training)
Institute of Judicial
Training and Research, U.P.
Lucknow

Dear Mr. Srivastava,

Thank you for your kind letter informing about the seminar on legal regulation of transport. I am sorry to say, however, that due to other important official engagements I cannot delegate anyone from our Embassy to participate.

Nevertheless, I wholeheartedly wish you success in your activity.

Best regards,

Laszlo Varkonyi

Pasuguan ng Pilipinas  *Embassy of The Philippines*

New Delhi

10 September 1993

No. 746/93

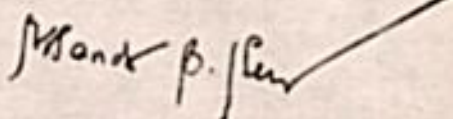
Mr. R. P. Srivastava
Joint Director (Training)
Institute of Judicial
Training and Research
1/19, Vishwas Khand-1
Gomti Nagar
Lucknow-226 016
U. P., India

Sir,

With reference to your letter No. JTRI/Trg /90-93/7301 dated 4 September 1993, I wish to inform you that your invitation for the Philippines to participate in a Seminar on Traffic Safety Education to be held in Lucknow. U.P., India from 30 to 31 October 1993 has been referred by this Embassy to the concerned agencies in Manila, Philippines.

The Embassy will notify you upon receipt of reply from the Land Transportation Commission, Department of Transportation & Communications, Quezon City, Philippines.

Very truly Yours,
For the Ambassador



ROLANDO B. HERICO
Cultural and Information Attache



T H E
FORENSIC
SCIENCE
Society

R.P. Srivastava
Convener
Institute of Judicial Training and Research UP
1/19 Vishwas Khand-1
Gomti Nagar
Lucknow 226 016
INDIA

2 September 1993

Dear Mr. Srivastava

Thank you for your letter informing the Society of your meeting. Unfortunately the information arrived too late to allow us to make any announcements at our meetings.

I have passed a copy of your letter to Mr. Dave Rudram who works at the Metropolitan Police Forensic Science Laboratory, London and is a Road Traffic Investigator for the laboratory.

Yoping you have a successful conference.

Yours sincerely

Dictated by
BRIAN W J RANKIN
Hon Secretary
and signed in his absence

The Forensic Science Society Clarke House 18A Mount Parade
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Tel : 0423 506068 (Society) 0423 566973 (Journal) Fax N3353 0948
Registered Charity No. 209 592



Old Workingham Road
Crowthoma,
Berkshire RG11 6AU
Telephone 0344 773131
Fax : 0344 770356
Telex : 848272

Mr. R. P. Srivastava
Institute of Judicial Training & Research, UP
1/19 Vishwas Khand-1
Gomti Nagar
Lucknow-226 016
India

Your Ref: JTRI/Trg./90-93/7253

20 September 1993

Dear Mr. Srivastava

Thank you for your invitation to take part in your forthcoming seminar. Road safety and its improvement are important subjects in which we have gained considerable experience over a long period of time, both in the UK and elsewhere in the world, and I would very much like to send someone to the seminar to present some of our results concerning both research and implementation. Unfortunately it is unlikely that anyone from TRL will be in India at the end of October and I am unable to finance such a trip for a single seminar. We can often combine seminars or conferences with other activities in the area but to do this we would need at least 6 months notice and preferably a full year, two months leaves insufficient time to arrange combination visits because staff from TRL and staff with whom we are working abroad are normally fully committed to planned programmes of work for at least 3 months ahead.

I am afraid we will not be able to accept your offer on this occasion but look forward to liaisons with you in the future. Incidentally there is a major regional road safety conference in Kuala Lumpur from 25 to 28 October which is being organised by the OECD and the Malaysian Ministry of Works. It would be very useful if you could send a delegate.

Yours sincerely

DR JOHN ROLT
Overseas Programme Director



TSU

Transport Studies Unit University of Oxford

Director and Reader in Transport Studies :
P.B. Goodwin MA PhD FCIT FIHT

11 Bevington Road
Oxford OX2 6NB
Telephone (0865) 274715
Fax (0865) 515194

Mr. R.P. Srivastava,
Convener,
Institute of Judicial Training and Research, U. P.
1/19 Vishwas Khand-1,
Gomti Nagar,
Lucknow-226 016,
India.

11th August 1993

Dear Mr. Srivastava,

Thank you for your conference invitation of 2nd August 1993 addressed to Mr. Dix and Mr. Layzell. They both left this department some years ago.

Your conference sounds very interesting. Unfortunately, it will not be possible for anybody from this Institute to attend, but I send you good wishes for a successful seminar.

Yours sincerely,

P.B. Goodwin.

FDLE

Florida Department of
Law Enforcement

James T. "Tim" Moore
Commissioner

Division of Local Law
Enforcement Assistance
Jacksonville Regional
Crime Laboratory

711-A Liberty Street
P.O. Box 4599
Jacksonville, Florida
32261 (904) 359-6390
SUNCOM 826-6380

August 23, 1993

Mr. R. P. Srivastava
Institute of Judicial Training and Research, U. P.
1/19. Vishwas Khand-1 Gomti Nagar
Lucknow-226 016
India

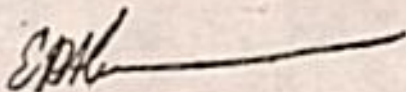
Dear Sir,

I received your letter of August 7, 1993 in reference to the Seminar on 'Tragic Road Accidents'. However, my forensic area does not involve traffic accident investigations and related matters. I have no knowledge or expertise that could contribute to your efforts.

I have forwarded your letter to Mr. Everett James, Assistant Director, Institute of Police Technology and Management (IPTM), an organization located here in Jacksonville, Florida. IPTM has been involved in traffic accident investigation for a number of years and could better serve your interests.

I wish you the best of success with your Seminar and hope you are able to solve the many problems you outlined in your letter. If it is of any consolation, many of your problems in India are also being experienced here in the United States.

Sincerely yours,



Ernest D. Hamm
Crime Laboratory Analyst supervisor
Jacksonville Regional Crime Laboratory

AMBASAID



NÁ HEIRTANN

OUR REF.
YOUR REF.

EMBASSY OF IRELAND
13 JOR BAGH
NEW DELHI - 110003

TEL : 4617435 AND 4615485
FAX : 4697063
TELEX : 65546 NDEI IN

E. 12/1

13 September 1993

Mr R. P. Srivastava,
Joint Director (Training)
Institute of Judicial Training
and Research. U. P.
1/19 Vishwas Khand-1
Gomti Nagar
Lucknow 226016

Dear Mr. Srivastava,

Thank you for your letter of 4 September 1993 inviting the Embassy to nominate a representative to attend the seminar to be held at the end of October 1993.

We regret that the Embassy has no funds which to assist the attendance of such an expert.

Yours sincerely,

Damien boyle
First Secretary

ROYAL NORWEGIAN EMBASSY

New Delhi, September 9, 1993

Mr. R. P. Shrivastava
Joint Director (Training)
Institute of Judicial Training & Research
1/19 Vishwas Khand, 1 Gomti Nagar
Lucknow 226016

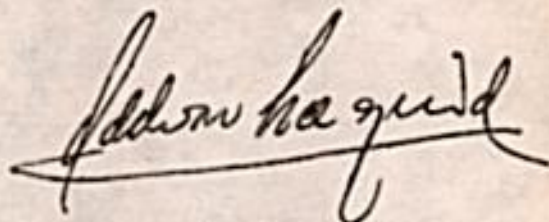
Dear Sir,

Thank you for your letter dated September 4, 1993, addressed to the Ambassador.

I regret, however, to inform you that the Embassy will not be able to participate in the forthcoming seminar to be held in Lucknow on October 30, 1993, concerning traffic regulations etc.

While wishing the seminar every success, I remain,

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Oddvar Laegreid', with a long horizontal flourish underneath.

(Oddvar Laegreid)
Charge d'Affairs a. i.

REPUBLIQUE FRANCAISE

**AMBASSADE DE FRANCE
EN
INDE**

**SERVICE CULTUREL, SCIENTIFIQUE
ET DE COOPERATION**

New Delhi, 13th September 1993

SMH/UK
004478/CT/93

Mr. R. P. Srivastava
Joint Director (Training)
Institute of Judicial Training & Research
1/19, Vishwas Khand-1
Gomti Nagar
Lucknow—226016

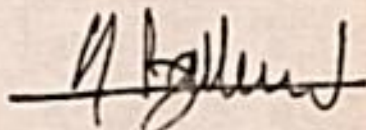
Dear Mr. Srivastava,

Please refer to your letter N. JTRI/Trg/90-93/7288 dated 4th September 1993 regarding the Seminar you are organising in Lucknow on 30th and 31st October 1993.

I regret to inform you that due to the proximity of the dates of the Seminar it will not be possible for us to ensure any participation from our side at this stage. I nevertheless wish the Seminar every success and look forward to receiving a copy of the proceedings as and when they are ready.

with regards,

Yours sincerely,



Dr. Regis BALLESTRACCT
Deputy Counsellor
(Contrik and Technological Affairs)



SURUHANJAYA TINGGI MALAYSIA

(HIGH COMMISSION OF MALAYSIA)

55-M, Saryo Marg, Chokkyapuri

New Delhi-110 021

Telegrams : MALAWAKIL NEW DELHI

Telex : 31-82056 WAKIL IN

Telefon : 601291

Telefax : 91-11-6881638

Your Ref :

Our Ref : (032) 389-45

DATE : 20-9-1993

Mr. R. P. Srivastava,
Convener,
Institute of Judicial Training
& Research, U. P.,
1/19, Vishwas Khand-1,
Gomti Nagar,
Lucknow—226016.

Dear Sir,

I thank you for your letter of 4-9-93, and the invitation extended to participate in the Seminar. However, owing to prior commitments we are unable to take part in the function organised by you.

Thank you,

Yours sincerely,

(S. RAJENDRAN)

Counsellor (Information)



GEOGRAPHY DEPARTMENT
University College London

26 Bedford Way, London WC1H 0AP
Tel 071 387 7050 ext 5505 Fax 071 380 7565

23 September 1993

Mr. R.P. Srivastava
Institute of Judicial Training
1/19 Vishwas Khand-1 Gomti Nagar
Lucknow-226 016

Dear Mr. Srivastava,

Thank you for your invitation to attend your conference on road safety. It will be addressing a most interesting and important problem.

I regret that shortage of both time and money will prevent my attending.

I wish you every success.

Yours Sincerely,

John Adams

Department of Sociology
University of New Mexico
Albuquerque, NM 87131

October 3, 1993

Dr. R.P. Srivastava
Institute of Judicial Training and Research, U.P.
1/19 Vishwas Khand-1, Gomti Nagar
Lucknow 226 016
India.

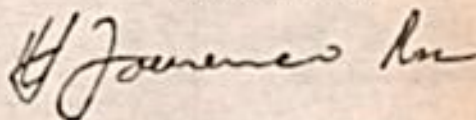
Dear Mr. Srivastava :

Your kind invitation to attend the seminar on October 30 has just arrived. Unfortunately, the proposed date is nearly upon us, and it falls in the middle of our academic year so that I could not take the time needed to attend.

However, I hope the invitation may be made available again some time in the future. I have never had the occasion to visit your fabulous country, and could contribute the international airfare from my pocket if expenses within India could be covered. Perhaps you might be able to arrange a lecture tour with some other institutions. The best time for an American academic would be mid-December through mid-January (Christmas vacation) or mid-May through mid-August (summer vacation).

I am enclosing a recent article that may be of interest to your seminar participants. you have my permission to distribute it.

Yours Sincerely,



H. Laurence Ross

Martin J. HOLLOWAY
P.O. Box 40841
Casuarina,
N.T. 0811
Australia.

18th October 1993

Ph. 6189855883

R.P. Srivastava

Fax 6189855883

H.J.S. Convener

Joint Director (Training)

Institute of Judicial Training & Research U,P

226 016

1/19, Vishwas Khand-1, Gomti Nagar,

LUCKNOW-226 016

INDIA.

Dear Mr. Srivastava,

Further to your letter to Mr. Earnest Hamm, F.D.L.E. Jacksonville, Florida, U S.A. of the 7th August 1993.

I was contacted by the Institute of Police Technology and Management (IPTM) Jacksonville Florida in October 1993 regarding your request for outside lecturers to attend your seminar on 'Tragic Road Accidents'. Hence my telephone conversation with you on the 8th October.

Unfortunately whilst making my travel arrangements it was found that I required a visa to enter India, such a visa has to be obtained from Canberra and there was insufficient time to obtain it prior to my intended departure date 28th October. I am most disappointed that I will therefore be unable to attend.

I hope that when the next seminar is to be held that you can contact me direct so that there is plenty of time for me to make the necessary arrangements and obtain a visa. I would also like to point out that my wife is also in the field of accident investigation and reconstruction and I was of course going to bring her along this time, however she may be able to come next time.



Founded 1963

Board of Directors

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H. W. Hubling
Alliance Transport Company
of Canada

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Canada

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and Surgeons of Canada

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Bell Canada

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and Communications

Executive Director
H. M. Simpson

Traffic Injury Research Foundation of Canada
Fondation DE Recherches Sur
Les Blessures DE LA Route AU Canada
171 Nepean, Ottawa, Ontario, Canada K2P 0B4
Tel : (613) 238-5235 Fax : (613) 238-5292

A Contribution to TIRF is tax deductible, Registered charity no. 8323949-11

September 28, 1993

R.P. Srivastava
Convenor
Seminar of International Level
c/o Institute of Judicial Training and Research
1/19, Vishwas Khand-1, Gomti Nagar
Lucknow-226 016
U.P. (INDIA)

Dear Mr. Srivastava :

Thank you for your kind invitation to participate in the international conference, scheduled for the 30th and 31st of October. We are unable to send a delegate from our Foundation owing to financial constraints.

This is an important and worthwhile meeting and we wish you the very best success in your deliberations. Thank you again for your invitation.

Sincerely,

Herb M. Simpson, Ph.D.
Executive Director

DEPARTMENT OF SOCIAL AND PREVENTIVE MEDICINE - SOUTHSIDE

THE UNIVERSITY OF QUEENSLAND
4th Floor — North Wing
Diamantina House
Princess Alexandra Hospital
Ipswich Road
WOOLLOONGABBA QLD 4102

Telephone : (07) 240 5811
(International) +617 240 5811
Facsimile : (07) 240 5824

Dr. R.P. Srivastava H.J.S.
Joint Director (Training)
Institute of Judicial Training & Research, U.P.
1/19, Vishwas Khand-1, Gomti Nagar
Lucknow-226 016

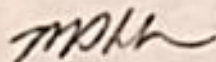
Dear Dr. Srivastava,

Thank you very much for writing to me about the International Seminar on Motor Vehicle Accidents that you are organising for the end of October.

I believe the topic is extremely important and am complimented by your invitation to participate. Unfortunately I can not get leave from this Department at that time.

I do wish you and the Institute every success with the conference and hope the outcomes will be useful to you. I would welcome being included on your mailing list for any future seminars or conferences.

Yours sincerely,



Mary Sheehan.
Head of Department.

CENTRE FOR ALCOHOL AND SAFETY EDUCATION
Director Amarjit Singh PhD

University of Reading



Faculty of Education
and Community Studies

Bulmershe Court
Earley
Reading
RG6 1HY

Tel (0734) 318834/35
Fax (0734) 352080
Telex RULIBG 847813

October 4, 1993

Your Ref : JTRI/Trg./90-93/7610

Our Ref : AS/MS

Mr. R.P. Srivastava
Joint Director (Training)
Institute of Judicial Training & Research
1/19 Vishwas Khand-1 Gomti Nagar
Lucknow-226 016 INDIA.

Dear Mr. Srivastava,

Thank you for your letter informing me that you will be able to bear my expenses of travel in India to attend the Seminar on 30th-31st October 1993.

Obviously, it would have been a pleasure for me to attend, but it looks very much as if I shall be unable to attend the Seminar because of my new commitment here in the university and it will be absolutely impossible for me to get away any time in this month.

Please accept my apologies and thank you again for your invitation.

Yours sincerely

(Dr. Amarjit Singh)

MM/SC



**THE UNIVERSITY
OF BIRMINGHAM**

Accident Research Centre
School of Manufacturing and
Mechanical Engineering

Edgbaston
Birmingham B15 2TT
United Kingdom
Telephone 021 414 5143
Fax 021 414 4180

Professor of Transport Safety
Murray Mackay PhD DSc FIMechE

30th September 1993

Mr. R.P. Srivastava,
Joint Director (Training),
Institute of Judicial Training & Research, U.P.,
1/19 Vishwas Khand-1,
Gomti Nagar,
Lucknow-226 016,
India.

Dear Mr. Srivastava,

Thank you for your kind invitation to attend the seminar on October 30th and 31st 1993. I am most interested in the subject and believe that particularly in a country such as India it is very timely to discuss the difficulties with the current compensation system and how it might be improved. With the growth in the motor vehicle traffic which you are likely to have over the next twenty years it is certain that you will have many more problems in terms of the social and economic consequences of road traffic accidents.

Normally I would have been able to organise my travel plans and attend such a meeting, particularly as I am going to be in Malaysia the week before. However, I have already made commitments for the end of October and regretfully will not be able to attend. I would be most interested however, to learn of any outcome or papers from your seminar.

Please keep me up to date with your further activities.

Yours sincerely,
Dr. Murray Mackay.



100 Park Village East
London, NW1 3SR
Tel : 071-387 2171
Fax : 071-388 0914

Mr. R.P. Srivastava,
Institute of Judicial Training and Research, U.P.
1/19 Vishwas Khand-1, Gomti Nagar,
Lucknow-226 016,
INDIA

12 October 1993

Dear Mr. Srivastava,

I regret that I am unable to accept your kind invitation to the Seminar in Lucknow at the end of the month.

For your interest, I enclose a note about some of our recent publications which I feel confident you will find interesting.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mayer Hillman', written in a cursive style.

Dr. Mayer Hillman,
Senior Fellow Emeritus



*Directorate of
Environmental Services*

Acting Director John Couch

Laurence House
1 Cotford Road
London SE6 4RU
Telephone 081-695 6000
Fax 081-690 4398

Extension 8456

Date 21 September 1993

Your ref

Please quote J L C/BAS/101832

Dear Sir,

Thank you for your letter of 5 August regarding your forthcoming seminar on traffic regulations and law. My apologies for the delay in replying but the letter took some time to find me!

Unfortunately; I am not able to join you and participate in the seminar in October. I wish you well and hope you are able to identify and implement improved legislation and enforcement. My previous involvement in the seminar in 1986 on traffic control was most rewarding and I would be pleased to learn of any further occasions at which my experience in the United Kingdom would be of interest.

With best Wishes

JOHN COUCH
ACTING DIRECTOR OF ENVIRONMENTAL SERVICES

Mr. R.P. Srivastava
Joint Director (Training)
The Institute of Judicial Training and Research U.P.
1/19 Vishwas Khand-1, Gomti Nagar
LUCKNOW-226 016
India.

न्यायिक प्रशिक्षण एवं अनुसंधान संस्थान

उत्तर प्रदेश

लखनऊ

द्वितीय

-: कार्यक्रम :-

संगोष्ठी : संचातिक मार्ग

: PROGRAMME :

SEMINAR : TRAGIC ROADS

Institute of Judicial Training and Research

UTTAR PRADESH

LUCKNOW

संगोष्ठी

- विषय : संघातिक मार्ग
- अवधि : 30 एवं 31 अक्टूबर, 1993
- स्थान : योजना भवन,
(सचिवालय एनेक्सी के निकट)
लखनऊ
- निदेशक : अवध बिहारी हुजरेसाहू
उच्चतर न्यायिक सेवा
- संयोजक : रघुनाथ प्रसाद
उच्चतर न्यायिक सेवा
- आयोजक : न्यायिक प्रशिक्षण एवं अनुसंधान संस्थान, उ०प्र०,
1/19, विश्वास खण्ड,
गोमती नगर, लखनऊ
दूरभाष : 392205
392146
392081

S E M I N A R

- Subject** : Tragic Roads
- Duration** : 30 & 31 October, 1993
- Venue** : Yojna Bhawan,
(Near Secretariat
Annexie)
Lucknow.
- Director** : Awadh Behari Hajela
H.J.S.
- Convener** : Raghunath Prasad
H.J.S.
- Organizer** : Institute of Judicial
Training and Research,
U.P., 1/19, Vishwas
Khand, 1
Gomti Nagar, Lucknow,
Telephone : 392205,
392146
392081

उद्देश्य

आवागमन के साधनों व नियमों, मृत्युकारक दुर्घटना के प्राविधानों, मोटर दुर्घटना क्षतिपूर्ति विषयों, पर सम्यक् विश्लेषण करना, ताकि दुर्दांत समस्या से निदान पाने के लिए उपायों को ढूंढा जाए और आवागमन के स्वभावों व यातायात के निर्देशों एवं वर्तमान विधि-व्यवस्था में आवश्यक परिवर्तन एवं परिवर्द्धन किया जा सके ।

प्रणाली

1. विशेषज्ञ-सिहावलोकन
2. समूह- पुनर्विलोकन

OBJECT

To make intensive and extensive exposure of haves and have-nots of traffic regulations and law relating to Motor accident claims, with a view to devising ways and means to curb menacing problems by way of suggesting ways for improving traffic habits and traffic regulations and suggesting modifications and modulations in the existing law.

METHODOLOGY

1. Expert— views
2. Assembly—reviews

प्रथम दिवस

- 30-10-93 स्थल : योजना भवन प्रेक्षागृह
उद्घाटन सत्र
- प्रातः 10-00 सभाकक्ष में आगमन
- प्रातः 10-05 स्वागत भाषण श्री अवध विहारी हजेली
निदेशक
न्यायिक प्रशिक्षण एवं
अनुसंधान, संस्थान, उ०प्र०
लखनऊ ।
- प्रातः 10-15 संगोष्ठी परिचय श्री रघुनाथ प्रसाद
संयोजक/संयुक्त निदेशक
न्यायिक प्रशिक्षण एवं
अनुसंधान संस्थान, उ०प्र०,
लखनऊ ।
- प्रातः 10-25 अध्यक्षीय भाषण माननीय न्यायमूर्ति
श्री वृजेश कुमार
न्यायाधीश,
इलाहाबाद उच्च न्यायालय,
लखनऊ—पीठ ।
- प्रातः 10-35 उद्घाटन भाषण माननीय न्यायमूर्ति
श्री कैलाश नाथ गोयल
सोकायुक्त,
उत्तर प्रदेश ।
- प्रातः 10-55 धन्यवाद ज्ञापन श्री ए०के० श्रीवास्तव
न्याय सचिव
उत्तर प्रदेश शासन ।
- प्रातः 11-00 चाय

DAY-I

30-10-93 Venue — YOJNA BHAWAN AUDITORIUM
INAUGURAL SESSION

- | | | |
|-------|-------------------------------|--|
| 10.00 | Arrival in Conference Hall | |
| 10.05 | Welcome Address | Mr. A.B. Hajela
Director
IJTR, U.P.
Lucknow |
| 10.15 | Briefing about
the Seminar | Mr. Raghunath Prasad
Convenor /
Joint Director
I.J.T.R. U.P.,
Lucknow |
| 10.25 | Presidential
Address | Hon'ble Mr. Justice
Brijesh Kumar,
Judge,
Allahabad High Court
Lucknow Bench |
| 10.35 | Inaugural
Address | Hon'ble Mr. Justice
Kailash Nath Goyal
Lokayukta
Uttar Pradesh |
| 10.55 | Vote of Thanks | Sri A.K. Srivastava
Judicial Secretary
Govt. of Uttar Pradesh
Lucknow. |
| 11.00 | Tea | |

प्रथम दिवस

- कार्य सत्र-एक स्थल-योजना भवन, कक्ष संख्या : 101
- 11-30 से 1-30 दुर्घटना कारणों का विश्लेषणात्मक अध्ययन
विशेषज्ञ पीठ : माननीय न्यायमूर्ति श्री एस०एच०ए० रजा
माननीय न्यायमूर्ति श्री बी०के० सिंह
श्री वेद प्रकाश कपूर, महानिदेशक पुलिस, उ०प्र०
- 1-30 मध्याह्न भोज
- 2-30 से 4-30 सुधारात्मक उपाय : आवागमन सुरक्षा, शिक्षा
एवं तत्सम्बन्धी प्रसारण
विशेषज्ञ पीठ : माननीय न्यायमूर्ति श्री के०सी० भागंब
माननीय न्यायमूर्ति श्री एच०एन० तिलहरी
श्री के०सी० वाण्येय, महानिदेशक, चिकित्सा, उ०प्र०
- 4-30 चाय

DAY - I

WORKING

SESSION-One VENUE-YOJNA-BHAWAN ROOM NO. 101

11.30-01.30 Analytical Study of accident
contributing factors

Expert Panel Hon'ble Mr. Justice S H A. Raza
Hon'ble Mr. Justice B.K. Singh
Mr. Ved Prakash Kapoor, I.P.S
Director General Police, U.P.

01.30 **LUNCH**

WORKING

SESSION-Two VENUE-YOJNA BHAWAN-ROOM No. 101

02.30-04.30 **REMEDIAL MEASURES :**
Traffic Safety, Education &
Publicity

Hon'ble Mr. Justice K.C. Bhargava
Hon'ble Mr. Justice H.N. Tilhari
Sri K.B. Varshney,
Director General Health
& Medical Services, U.P.

04.30 **TEA**

द्वितीय दिवस

- 31-10-93
कार्य सत्र-तीन
स्वतन्त्र-योजना भवन, कक्षा संख्या : 111
- 9.30 से 11.30
विशेषज्ञ पीठ :
दुर्घटना-क्षतिपूर्ति-न्यायिक व्यवस्था
माननीय न्यायमूर्ति श्री बी०एल० लुम्बा
प्रशासनिक अध्यक्ष,
कानूनी सहायता एवं परामर्श बोर्ड उ०प्र० लखनऊ ।
माननीय न्यायमूर्ति श्री जगदीश कुमार माथुर
प्रशासनिक न्यायाधीश,
इलाहाबाद उच्च न्यायालय,
लखनऊ-पीठ
- 11.30
कार्य सत्र-चार
स्वतन्त्र-योजना भवन, कक्षा संख्या-111
- 12.00 से 1.30
समीक्षा एवं समापन-सत्र
- 12.00 से 12.45
परिषर्चा-विधिक एवं प्रशासनिक संगोपन
- 12.45 से 12.55
संगोपठी का विशेषण-आत्मक
मूल्यांकन
श्री अवध बिहारी हजेली,
निदेशक,
न्यायिक प्रशिक्षण एवं अनुसंधान संस्थान,
उत्तर प्रदेश, लखनऊ ।
- 12.55 से 1.05
विचार दिवस
श्री विलायत हाफरी
निदेशक,
दूरदर्शन, उ०प्र०, लखनऊ
- 1.05 से 1.25
समापन भाषण
माननीय न्यायमूर्ति श्री श्रीनाथ सहाय
न्यायाधीश,
इलाहाबाद उच्च न्यायालय,
लखनऊ-पीठ
- 1.25 से 1.30
धन्यवाद भाषण
श्री रघुनाथ प्रसाद
संयुक्त निदेशक (प्रशिक्षण)/संयोजक
न्यायिक प्रशिक्षण एवं अनुसंधान संस्थान,
उत्तर प्रदेश, लखनऊ ।

DAY-II

31-10-93 VENUE-YOJNA BHAWAN-ROOM NO. 111

WORKING**SESSION-Three**

09.30-11.30 Accident's Compensation

Expert PanelHon'ble Mr. Justice B.L. Loomba,
Chairman,
U.P. Legal Aid BoardHon'ble Mr Justice J.K. Mathur
Administrative Judge
Allahabad High Court Lucknow Bench

11.30-12.00 T E A

WORKING**SESSION-Four** VENUE-YOJNA BHAWAN ROOM NO. 11112.00-12.40 Deliberations.
Statutory and
Administrative
Amendments12.45-12.55 Analytical Sri A B. Hajela
Assessment Director, IJTR
of Seminar Lucknow12.55-10.05 View point Sri Wilayat Jafri
Director
Doordarshan, Lucknow01.05-10.25 Valedictory Hon'ble Mr. Justice
address Sri Nath Sahay
Allahabad High Court
Lucknow Bench01.25-0.1.30 Vote of Sri Raghunath Prasad
Thanks Joint. Director/Convener
IJTR U.P., Lucknow.

Welcome Address

By

Awadh Behari Hajela

Director

**Institute of Judicial Training & Research, Uttar Pradesh
Lucknow**

Revered the Lokayukta ji, Hon'ble the Justices, Respected the Judicial Secretary, Esteemed Guests from Uttar Pradesh and other States, Faculty-members of the Institute, Trainee-officers and Ladies and Gentlemen :

Immense welcome to all of you in the Seminar on "Tragic Roads" being held under the aegis of the Institute. Today, if somebody composes, sings or recites a song,

"Creaking and squeaking
Motions on a buffalow—cart."

then, whatever be its melody, none of us shall be able to contain laughing and suppress wondering. Why ? Because, not only a cart, but even a cycle, is now doomed and the present age is of scooters, cars, aeroplanes and jets. How much has this world shrunk due to them ! It may, very well sound so elegant, yet all that glitters is not gold. The good and bad invade every aspect of life.

2. A snail's pace is never worthless, since where the speed is slow, there is something else too. While travelling placidly, one gets time to see flourishing fields, hear chirping birds, choose bubbling rivers-water courses and see the twinkling moon and stars. No clash, no splash. No push, no turn. The cartman is at peace and so is happy the pedestrian.

3. Haste is the antonym of tranquillity, as every moment, at somewhere or the other, the passenger bus falls, train derails and aeroplane collides. Many lives are lost-infant, young and old. Property worth crores is destroyed before open eyes. Alas, those moments of accident and those particles of pollution. Time and again, life is in danger and property in risk. There are weeping ladies shrieking widows and sobbing mothers. Also are the griefs of brother or sister, miseries of husband or wife and distresses of father or son. Many families are torn and homes deserted. It is a calamity de-die in-diem and a day-night terror-more dangerous than an epidemic.

4. Though the lotted cannot be bloodied, yet probabilities can be minimised. The self-same idea has promoted the sponsoring of this 'Seminar' fraught with certain points, certain questions and certain problems.

5. Why do these accidents take place? Reasons are many-elemental, mental, physical, psychological and mechanical.

a) Elemental Reasons

Uneven surface of roads, impregnable darkness at crossings and corners, invisibility of high-way signals and bends and haziness from seasons and weathers.

- b) **Mental Reasons :**
Lack of experience, erroneous judgement, ignorance of rules, ill-effects of alcohol, stupor, shock from some sudden death, perturbation from family feud etc.
- c) **Physical :**
Failing eye sight, slow speed, much fatigue, weakness of limbs, permanent ailment etc.
- d) **Psychological :**
Stubborn mentality for overtaking, conscious infringement of speed limit, habitual dangerous driving etc.
- e) **Mechanical :**
Defective steering and brakes, faulty locks and handles of the doors and windows and very old tyres and tubes etc.

6. But when there are problems, there are solutions also. A poet has said :

"Turn turn thy hasty foot aside,
Don't crush that helpless worm.
Do not lightly take away,
The life thou canst not give."

7. Charity begins at home. In infancy, a paramount desire exists and subsists to do or learn something. When a baby, after its chuckles, is able to visit flower-beds, on knees feet or wheels, he has to be taught which direction to go, which speed to adopt and which mentality to carry. What to do and what not to do. A little of more growth shall require, certainly, much, because, at that age, one is strongly given to excel others. Therefore,

"speed limit be observed,¹ helmet worn,² alcohol eschewed and health of head, heart and hand maintained" - all this responsibility to teach through their words and examples, squarely falls on the parents.

8. Literature and its publicity must ascend a priority. Booklets by experts need be prepared in collaboration with local bodies and police. They should, also, impart training of road-use in schools, colleges and public get-togethers time in and time out. Drivers deserve to be instructed where to park their vehicles, how much load to carry,³ where to wait⁴ and what to do upon signals and lights.⁵ The road-side shops and local libraries must be equipped with highway codes. Stickers about maximum speed-limit be pasted on the wind-screen or dash board. Adequate propaganda ought to be attached to the ways of pre and post-accident security of life, at proper times and proper place, through television, cinema and video.

9. Dialogues between the motor drivers and police and problems emanating therefrom, which are regulated by law, carry their own importance. Nevertheless, the value of conversational language and exchange of views between the two cannot be lost sight of. Humanised warning of informal character is, always, fruitful—"Beg pardon, Are you conscious that one tyre of your vehicle is in a tattered state" ?—such sentences are not worthless. Moreover, that officer alone is great, who does not make a foe

1. Section 42 Motor Vehicles Act 1988.

2. Section 129 Motor Vehicles Act, 1988.

3. Section 113, Motor Vehicles Act, 1988.

4. Section 117, 122, 128, Motor Vehicles Act, 1988

5. Section 119, Motor Vehicles Act, 1988.

despite an adverse report. Such a magic can be produced by words alone.

10. The legal mandate for compulsory insurance⁶ merits strict compliance, so that the disaster both for the victimiser and the victim be decimated. In order to preempt the serious consequences of an accident, what is necessary is that the victim be given instant attention and, then despatched to some hospital or doctor. Such type of assistance is the responsibility not only of a doctor but, also, of all. Every one should be initiated in the art of first-aid. In England, such awareness is voluntary, while Norway has made it compulsory. In India, too the compulsory character must be sponsored and adhered to.

11. Every hospital should have a right to claim compensation for the inside and outside patients of accidental involvements. In all propriety, the medical profession make all endeavours to keep cooperation with the departments of police, transport, commerce, health and security and curtail the seriousness of misfortunes. Small incidents be looked after by private practitioners, for which they should receive proper compensation. Training of nurses shall be a profitable venture. By legislation, the duty to maintain ambulance service must be fastened on to local bodies. People given such jobs, are to have competence of first-aid and all accessories of necessity.

12. Law rules that every driver must have a current driving licence,⁷ not show any carelessness or negligence in driving, abjure alcohol⁸ produce the registration, name and address after

6. Section 146, Motor Vehicles Act, 1988.

7. Section 3, Motor Vehicles Act, 1988.

8. Section 9 (B) Motor Vehicles Act, 1988.

the mishap, lodge a report at thana⁹ and, also, give the details of insurance.¹⁰ The need of tachograph must be insisted upon so, that the distance covered, hours consumed, intervals observed and risk taken be recorded. Then, there is one other aspect of such exception. Accident involves some ill-omenous-one be injured, other amputated and still other dead. None can measure and share his consequential lament, pain and grief. Even then, the statutory provisions so ordain that compensation be paid to mitigate shock and pain so that the defendants of the injured or dead be not driven to cities and streets with begging bowls. Though law lies as such, yet its implementation tells a different story. The Motor Vehicles Act 1988 is, by itself, the witness of it.

13. Section 166 (1) details those persons, who can make an application for compensation. They, also, include the legal representatives, although no definition has been given for 'who are they'. The definition in Section of the Code of Civil Procedure regarding that is inchoate.¹¹ For guidance, reliance is placed on Section 125 of the Cr.P.C.,¹² Section 1A of the Fatal Accidents Act,¹³ Section 22 of the Hindu Adoptions and Maintenance Act¹⁴ and Section 8¹⁴ of the Hindu Succession Act. Even then, an anomaly persists, inasmuch as professional son can

9. Section 134, Motor Vehicles Act, 1988.

10. Section 158, Motor Vehicles Act, 1988.

11. AIR 1970 Mysore 67, M. Iyappan vs. Muktar Singh.

12. AIR 1988 (Punjab & Haryana) 136 Sachdev Rice Mills vs. Smt. Raj Anand.

13. AIR 1983 Allahabad 174, Oriental & General Insurance Company vs. Chandravati, 1976 TAC 234 (Orissa) M/S. Construction India vs. Mahendra Pal Singh Ahluwalia.

14. AIR 1979 ACJ, 299 Allahabad, Mahendra Singh vs. Smt. Krishna Devi.

receive compensation,¹⁵ whereas a non-dependent major son cannot.¹⁶ In this way, the position is, still, fluid and uncertain.

14. In the field concerned, time has got its own grip to demonstrate. In Section 166 (3) read with proviso, limitation has been settled at the maximum period of one year. That type of maximum limit was not prescribed in the corresponding proviso of Section 110-A(3) of the earlier Act 1939. The earlier provision was, very much, just. The problem, now, so often, arising, pertains to those petitions, which are sought to be filed, after the prescribed period of limitation of one year, on behalf of the minors, ignorants and insanes. Though relief is tried to be given by trusting Section 29 (2), read with Section 6 of the Limitation Act 1963,¹⁷ yet the cut-short involves many imponderables.

15. Moreover for the success of a claim, it is very much necessary that the accident-doer's negligence be pleaded and proved. The claimant is, always, at a loss, because the victim of the unfortunate event is gone and the causes thereof are mortgaged to the opposite party.¹⁸ Much time is wasted in proving such a carelessness.

16. For the untimely death arising out of the accident, the measure for compensation is deemed to be the benefit, which might have accrued to the dependents out of the normal life-span of the deceased. How much life expectancy be assumed

15. AIR 1981 ACJ, 320 (Delhi) Nand Kaul vs. Sukh Raj.

16. AIR 1981 SCJ 331 (Punjab & Haryana), Bhagwan Devi vs. K.K. Saini.

17. AIR 1974 (Punjab and Haryana), 39, Preet Pal Singh vs. New Suraj Transport Company.

18. AIR 1969 ACJ 327 (Orissa), Narottam Das vs. G.M. Orissa Road Transport Co.

how dependency be concluded, what multiple be adopted etc. such are the questions, which defy time as well as law. Their solution is to be based only on imagination and speculation.

17. The non-awarding of the awarded is a different spectacle. According to Section 174, the compensatory amount awarded by an adjudicatory tribunal can be realized through the procedure prescribed for the recovery of the arrears of land revenue. Such recovery does not forthcome in decades and decades.

18. By defining the term "legal representatives," leaving the point of limitation to the tribunal's discretion, likening the element of negligence to the principles of 'res ipsa loquitur' and settling the multiples after the fashion as given in Section 140, endeavours can be made to remove the defects through legislation.

19. Indeed, road accidents are an open challenge to the transport tribunals, insurance corporations, injured drivers and owners of the vehicles. Though special objectives may call for separate study and scrutiny, yet an uniform conduct code is the need of the time for all the age-groups. Perhaps consonance between training¹⁹ and legislating and their timely evaluation are thought-provoking situations. Ultimately, the voice of the people can be a safe resort. Protection from accidents is an obligation for every citizen, because accidents not only finish the human life, but, also, destroy numerous productive hours.

While finishing my words, I, once again, welcome you to this get-together.

Date : 30 October, 1993

19. Section 12 Motor Vehicles Act, 1988.

स्वागत भाषण

द्वारा

अवध बिहारो हजेला

निदेशक

न्यायिक प्रशिक्षण एवं अनुसंधान संस्थान, उत्तर प्रदेश, लखनऊ

श्रेष्ठ लोक आयुक्त जी, माननीय न्यायमूर्तिगण, आदरणीय न्याय सचिव, सम्मानित उत्तर प्रदेश तथा अन्य प्रदेशों से पधारे अतिथिगण, संस्थान के संकाय बन्धुगण, प्रशिक्षणार्थी अधिकारीगण तथा अन्य उपस्थित सज्जनों एवं महिलाओं।

संस्थान के तत्वाधान में 'संघातिक मार्ग' पर आयोजित इस संगोष्ठी में आप सबका भूरि-भूरि स्वागत है। सम्प्रति कोई-

“चरर-मरर खु-चरर-मरर,

जा रही चली भंसा गाड़ी।”

का गीत बनाये, गाये और सुनाये, तो स्वर सहरी कुछ भी हो, किन्तु हममें से कोई अपना हंसी नहीं रोक सकेगा और न आश्चर्य को भुलावा दे सकेगा। क्यों? इसलिए कि बेलगाड़ी क्या, अब तो साईकिल भी खत्ते में आ चुकी है और यह युग है स्कूटर का, कार का, हवाई जहाज का और जेट का। कितनी दुनिया छोटी कर कर दी है, इन यानों ने। बात तो नीकी है, तथापि जो कुछ सुनहरा है, वह सदैव सोना-कंचन नहीं होता। अच्छाईयाँ-बुराईयाँ जीवन के प्रत्येक पहलू में घर करती हैं।

2. धीमी चाल कभी धोधी नहीं होती, क्योंकि जहाँ मंथर गति है, वहाँ कुछ और भी है। धीरे-धीरे यात्रा करने पर समय मिलता है सहलहाते सेतों को देखने का, चहलहाते पक्षियों को सुनने का, बड़बड़ाते नदी-नालों को चुनने का और चमचमाते चांद-सितारों को गिनने का। न झझट, न झंझा। न हट-हट, न बच-बच। हक-बारा भी जानत और राहगीर भी सुधी।

3. शीघ्रता चैन की विलोम है, क्योंकि आये पल कहीं न कहीं यात्री-बस खड्ड में गिरी, रेलगाड़ी पटरी से दली और जहाजरानी पट्टी से भिड़ी। हजारों जाने जाती है, छोटी-बड़ी-मझोली। करोड़ों की सम्पत्ति नाश होती है, देखते-देखते। हाय, वे दुर्घटनाओं के क्षण और साथ ही प्रदूषण के क्षण। पल-पल में प्राण संकट में, सम्पदा जोखिम में। रोती अबलाएं, बिलखती विधवाएं, सिसकती माताएं। भाई-बहनो का विनाश, पति-पत्नी का संताप और बाप-बेटों का आलाप। कितने परिवार जर्जर, कितने घर बंजर। दिन प्रतिदिन का तांडव है यह, अहर्निश की विभांगिका है यह, व्याधि से भी अधिक भयावह।

4. यद्यपि अवश्यम्भावना का निराकरण नहीं है, किन्तु सम्भावना का तो म्यूनीकरण सम्भव है। इसी अभिलाषा से प्रेरित होकर यह आयोजन बन पड़ा है कुछ विन्दुओं, कुछ प्रश्नों और कुछ समस्याओं को लेकर।

5. क्यों आखिर होती है ये दुर्घटनाएं? कारण एक नहीं अनेक हैं—भौतिक, मानसिक, शारीरिक, मनो-वैज्ञानिक और अभियान्त्रिक

(अ) भौतिक कारण : सड़कों के उबड़-खाबड़ तल, चौराहों और कोनों का घटाटोप अंधेरापन, सम्मार्गीय चिन्हों और मोड़ों की अस्पष्टता तथा मौसमों और ऋतुओं से धुंधलापन आदि।

(ब) मानसिक कारण : अनुभव का अभाव, छुट्टिपूर्ण निर्णय, नियमों की अज्ञानता, मद्यपान-जन्य दोष, तन्द्रा, अचानक किसी मृत्यु से संघात, पारिवारिक कलह से संक्षोभ आदि।

(स) शारीरिक कारण : गिरती दृष्टि, धीमी चाल, अत्यन्त थकावट, हाथ पैरों की तिथिलता, स्थायी व्याधि आदि।

(द) मनो-वैज्ञानिक कारण : पारगमन की विवेकहीन मनोवृत्ति, सबोध गति सीमा का उल्लंघन, स्वभावतः भयानक संचालन आदि।

(ए) अभियान्त्रिक कारण : दूषित परिचासन और रोधक, खिड़कियों और दरवाजों के सदोष ताले और हत्ये, बहुत पुराने टायर-ट्यूब आदि

6. किन्तु जहाँ कारण हैं, वहाँ निराकरण भी होते हैं। एक कवि ने कहा है-

स्वरित कदम निज हटाओ-हटाओ,
 विचार न उस कीड़े को दबाओ ।
 सरलता से न तुम उसको मिटाओ,
 वह एक शीबन, जिसे दे न पाओ ।

7. मद्गुण घर से अंकुरित होता है। श्रमकाल में कुछ करने, सीखने की इच्छा बलवती होनी चाहिए। किलकारियों को पार कर एक नौनिहाल जब फुल-बारियों में जावे लगे, मैद्यन-मैद्यन, पैद्यन-पैद्यन, अथवा पहियन-पहियन, तो उसे तभी बताना चाहिए कि वह किस ओर चले, किस गति से चले, किस गति से चले। क्या करे, क्या न करे। कुछ और बढ़ने पर उस को बहुत कुछ चाहिए, क्योंकि वह एक ऐसी आयु होती है, जिसमें सबको उखाड़ने की एक अनोखी प्रवृत्ति होती है। अतएव गतिमीमा में चले, टोप पहनें, व नशा से बचे, उसका हृदय सुष्टु हो, मन पुष्ट हो और जरीर चुस्त हो-यह मिछाने का दायित्व माँ-बाप अपनी बानों और उदाहरणों से भलीभाँति निभा सकते हैं।

8. साहित्य तथा उसके प्रसार की अत्यन्त आवश्यकता है। स्थानीय निकायों तथा पुलिस के सौजन्य से, विज्ञेयजों द्वारा पुस्तिकाएं तैयार करायी जानी चाहिए। वे स्कूलों, बसबों व जन मभाओं में समय-समय पर आएँ और मङ्क-प्रयोग पर प्रशिक्षण दें। बालकों को बताया जाय कि वे अपनी गाड़ी कहां खड़ी करें, कितनी लदान करें, कहां प्रतीक्षा करें और कंगे मकेतको-वस्तियों पर चला करें। मङ्क के किनारे की दुकानों व स्थानीय पुस्तकालयों में महा-मार्ग संहिताएं हों। गामने के पीछे या टैल-बोर्ड पर अधिकतम गति सीमा की लिपियाँ हों। दुर्घटनाओं से बचने व बचाने के उपायों, का यथा-मनय व यथा-स्थान, दूरदर्शन, सिनेमा और वीडियो का सहारा लेकर, प्रचुर प्रचार हो।

9. मोटर चालकों तथा पुलिस के बीच के आचार-विचारों तथा उनसे उत्पन्न होने वाली समस्याओं का अपना महत्व है, जो विधानानुसार विनियमित

1. धारा-42 मोटर वाहन अधिनियम, 1988
2. धारा 129 मोटर वाहन अधिनियम, 1988
3. धारा-113 मोटर वाहन अधिनियम, 1988
4. धारा-117, 122, 128 मोटर वाहन अधिनियम, 1988
5. धारा-119 मोटर वाहन अधिनियम, 1988

होती है। तथापि दोनों के बीच बातचीत की भाषा व आदान-प्रदान कैसा हो, इसके मूल्य को दृष्टि से ओझल नहीं किया जा सकता है। मानवी-कृत अनौपचारिक चेतावनी सर्वत्र सफल होती है। "क्षमा कीजिए, क्या आपके ज्ञान में है कि आपका एक टायर फटे हाल में है" जैसे वाक्य व्यर्थ नहीं होते। साथ ही साथ अधिकारी ठीक वही होता है, जो, प्रतिकूल आख्या करने पर भी, अपचारी का गलत न बने। यह जादू जब्द ही पैदा कर सकते हैं।

10. बीमा रखने की विधिक अनिवार्यता⁶ का कड़ाई से अनुपालन सुनिश्चित किया जाना चाहिए, जिससे कि घटनाग्रस्त और घटना-कारक दोनों व्यक्तियों के दुःखान्त ही लघुतम हो सके। दुर्घटना के गम्भीर परिणामों से बचाव के लिए यह आवश्यक है कि दुर्घटनाग्रस्त की तुरन्त देखभाल की जाय और तत्पश्चात् किसी चिकित्सक या चिकित्सालय में ले जाने और दिखाने की बात सोची जाय। इस तरह की सहायता सबका दायित्व है, केवल चिकित्सक का ही नहीं। प्रथम उपचार में सबको कुछ न कुछ जानकारी होनी चाहिए। इंग्लैंड में यह जानकारी ऐच्छिक है, किन्तु नार्वे में अनिवार्य है। भारत वर्ष में अनिवार्यता ही निर्भायी जानी चाहिए।

11. प्रत्येक अस्पताल को दुर्घटनाग्रस्त अन्तःरोगी या बाह्य-रोगी के लिए कुछ धनराशि प्राप्त करने का अधिकार होना चाहिए। चिकित्सीय व्यवसाय के लिए यह उचित होगा कि वे पुलिस, परिवहन, व्यापार, स्वास्थ्य और सुरक्षा विभागों से कग्धा से कग्धा मिलाकर चर्चें और दुर्घटना की गम्भीरता के न्यूनीकरण के लिए भरसक प्रयत्न करें। छोटी-छोटी घटनाएं निजी क्षेत्र के चिकित्सक देखें, जिसके लिए उनको उचित पारिश्रमिक देय हो। नर्सों का प्रशिक्षण एक लाभकारी पग होगा। विधान द्वारा रोगी-यान-सेवा का दायित्व स्थानीय निकायों को दिया जाना चाहिए। ऐसी सेवा में रत् कर्मचारी प्रथम उपचार में दक्ष हों और आवश्यक उपकरण रखते हों।

12. विधि की अपेक्षा है कि प्रत्येक चालक प्रभावी चालन अनुज्ञप्ति⁷ रखे, संचालन में लापरवाही व असावधानी न बरतें, 'मद्य-सेवन न करे', घटना होने पर नाम, पता व वाहन का पंजीकरण उपलब्ध कराये, घाने पर रिपोर्ट दे⁸ व बीमा का

6. धारा-146 मोटर वान अधिनियम, 1988
7. धारा-3 मोटर वान अधिनियम, 1988
8. धारा-9 (8) मोटर वान अधिनियम, 1988
9. धारा-154 मोटर वान अधिनियम, 1988

विवरण सौंपे¹⁰। टेकोग्राफ की अनिवार्यता पर बल दिया जाना चाहिये जिस से यह अभिलेख रखा जा सके कि वाहन से कितनी दूरी तय की, कितने घण्टे संचालन किया गया, कितने अन्तराल हुए, कितनी देर चालक ने आराम किया आदि-आदि। फिर ऐसे अपवाद का एक दूसरा पहलू भी है। दुर्घटना में कुछ न कुछ अनिष्ट अवश्य होता है। कोई चूटहिल, कोई अपंग, तो कोई दिवंगत। उसका पारिवारिक दुःख, पीड़ा, विक्षोभ कौन बाँट सकता है और कौन माप सकता है। तथापि विधायी प्राविधानों को रचि यह है कि उसके दुःख-हरण-मानिवरण के लिए कुछ धन की व्यवस्था दी जाय, जिससे कि चूटहिल अथवा मृतक के आश्रित कटोरा लेकर नगर-नगर, डगर-डगर, भीख मांगते न घूमें। विधि का विधान तो यही है, किन्तु विधि की विहम्बना कुछ और। मोटर यान अधिनियम, 1988 स्वयं इसका साक्षी है।

13. धारा-166 (1) में उन व्यक्तियों का विवरण है, जो क्षति राशि के लिए वाद प्रस्तुत कर सकते हैं। उनमें विधिक प्रतिनिधि का भी समावेश है, यद्यपि वे कौन-कौन हैं, यह परिभाषित नहीं किया गया है। सिविल प्रक्रिया संहिता की धारा-2 (11) की उन सम्बन्ध में परिभाषा अधूरी है¹¹। मार्गदर्शन के लिए दण्ड प्रक्रिया संहिता की धारा-125¹², घातक दुर्घटना अधिनियम की धारा-1-ए,¹³ हिन्दू दस्तक और भरण पोषण अधिनियम की धारा-22¹⁴ अथवा हिन्दू उत्तराधिकार अधिनियम की धारा 8¹⁵ पर भरोसा किया जाता है। तब भी एक और व्यवस्था यह कि घग्घा करने वाला पुत्र क्षति-राशि पा सकता है,¹⁶ जबकि अनाश्रित वयस्क

10. धारा-158 मोटर यान अधिनियम, 1988

11. ए०आई०आर० 1970, मैयूर-67

एम० अय्यप्पन बनाम मोकतार सिंह

12. ए०आई०आर०, 1989, पंजाब-हरियाणा-136,

सचदेवा राइस मिल्स बनाम श्रीमती राज जानन्द

13. ए०आई०आर०, 1983, इलाहाबाद-174

ओरियण्टल फायर एण्ड जनरल इन्सुरेंस कं० बनाम चन्द्रावती

-1976 टी०ए०सी० 234, उड़ीसा, मेसर्स काम्बट्रक्शन इण्डिया बनाम

महेन्द्र पाल सिंह अहलूवालिया।

14. 1979 ए०सी०जे० 299 (इला०)

महेन्द्र सिंह बनाम श्रीमती कृष्णा देवी।

15. 1981 ए०सी०जे०-320 (दिल्ली)

नन्द कीर बनाम मुखराज

पुत्र नहीं पा सकता है।¹⁶ इस प्रकार स्थिति अब भी तरल और अनिश्चित है।

14. इस क्षेत्र में समय की भी अपनी पृथक पकड़ है। धारा-166 (3), सपठित परन्तुक, के अनुसार वाद प्रस्तुतीकरण के लिए एक वर्ष तक की अधिकतम समय सीमा रखी गई है। पूर्ववर्ती अधिनियम, 1939 की धारा-110-ए(3) के परन्तुक में अधिकतम सीमा को सीमित नहीं किया गया था। वहीं प्राविधान ठीक था। अब बहुधा समस्या उठती है उन वादों के सम्बन्ध में, जो अवयस्क, अज्ञानी अथवा विक्षिप्त द्वारा एक वर्ष की समय सीमा के उपरान्त प्रस्तुत किये जाते हैं। यद्यपि परिमिता अधिनियम, 1961 की धारा-29 (2), सपठित धारा-6 का सहारा लेकर¹⁷ अनुतोष प्रदान करने का प्रयास किया जाता है, किन्तु उसमें भी बहुत खटपट होती है।

15. पुनरुद्धार वाद की सफलता के लिए यह नितारत आवश्यक है कि दुर्घटना करने वाले की सावधानी को अभिकथित एवं माध्य में प्रमाणित किया जाए। वादी के लिए सर्वदैव यह दुष्कर होता है, क्योंकि दुर्घटना का निवारण तो समाप्त हो जाता है और दुर्घटना के कारण प्रतिवादी के पास बन्धक होते हैं।¹⁸ बड़ा समय नष्ट होता है ऐसी लापरवाही को निन्दित करने में।

16. दुर्घटना में होने वाली असमय मृत्यु की दशा में क्षति राशि का माप वह लाभ माना गया है, जो मृतक से अपने सामान्य आशयित जीवन के जीने पर उसके आश्रितों को मिलता।—वह आशयित जीवन कितना माना जाय, आश्रय को किस प्रकार सकारा जाय, किस गुणांक को पकड़ा जाय, आदि-आदि इत्यादि ऐसे प्रश्न हैं, जो समय की गोद में और विधि की पोथ में छिपे रहते हैं। उनका निराकरण केवल परिकल्पना और अनुमान पर ही आधारित करना पड़ता है।

17. मिलकर न मिलने का एक पक्ष और है। धारा-174 में अधिकरण से आज्ञप्त क्षति राशि की वसूली, राजस्व की देय वसूली की प्रक्रिया पर, रखी गयी है। वह दसकों तक वसूल होकर नहीं जाती।

16. 1981 ए०सी०जे०-331 (पंजाब हरियाणा),

भगवानी देवी बनाम के०के० सैनी

17. ए०आई०आर०-1974 (पंजाब हरियाणा) 39

प्रीतिपाल सिंह बनाम मू मुरत ट्राम्पपोर्ट कंपनी

18. 1969, ए०सी०जे०-327 (उड़ीसा)

नरोत्तम दास बनाम जी०एम० उड़ीसा रोड ट्राम्पपोर्ट कं०

18. विधायन द्वारा उन दोषों को दूर करने का प्रयास किया जा सकता है विधिक प्रतिनिधि की परिभाषा देकर, समय सीमा को अधिकरण के विवेक पर छोड़कर, असावधानी के तत्त्व को 'दुर्घटना के स्वयं बोलने' के सिद्धान्त पर छोड़कर और गुणकों को कुछ उसी प्रकार सुनिश्चित करके जैसा कि अधिनियम की धारा-140 में प्राविधानित है।

19. वस्तुतः सड़क दुर्घटना परिवहन अधिकरणों, बीमा निगमों, चुटहिलों और बाहन चालकों तथा स्वामियों के लिए एक गुली चुनीती है। यद्यपि विशेष लक्ष्यान्कों को लेकर पृथक-पृथक मीमांसा की जा सकती है, तथापि सभी आयु-वर्गों के लिए एक समान आचरण महिता की आवश्यकता है। कदाचित् प्रशिक्षण¹⁹ और विधायन का समन्वय तथा समय-समय पर उनका मूल्यांकन भी विचारणीय परिस्थितियाँ है। अन्त में, जनबाणी भी एक सफल आधय है। दुर्घटना में बचाव प्रत्येक नागरिक का कर्तव्य है, क्योंकि दुर्घटना से न जाने कितनी जानें जाती हैं, उत्पादी घण्टे नष्ट होते हैं।

अपने शब्दों को पूर्ण विराम देते हुए मैं एक बार फिर इस संगोष्ठी में आपका स्वागत करता हूँ।

दिनांक : 30 अक्टूबर, 1993

संगोष्ठी परिचय

परम श्रेय माननीय लोकायुक्त जी, परम आदरणीय माननीय बरिष्ठ न्यायमूर्ति जी, परम सम्मानित माननीय न्यायमूर्तिगण, आदरणीय न्याय सचिव महोदय, विद्वान विधायी सचिव महोदय, विद्वान अप्रज माननीय निदेशक महोदय, दूर-सुदूर विभिन्न प्रान्तों से आये विजिष्ट अतिथिगण, आगत योग्य न्यायाधीशगण, राष्ट्र के मजग प्रहरी सेना एवं पुलिस के अधिकारी बन्धु, समाचार-पत्र एवं दूरदर्शन के विश्वसनीय प्रतिनिधि बन्धु, नव अंकुरित प्रशिक्षण-रत बहन एवं भ्राता अधिकारीगण, संकाय के मेरे अपने भ्रातागण एवं सभागार में उपस्थित अन्य बन्धु-बान्धव ।

संघातिक मार्ग विषयक संगोष्ठी के संयोजक के रूप में आज मुझे अत्यन्त प्रसन्नता का अनुभव हो रहा है । इसके पूर्व कि मैं संगोष्ठी के कार्या-कल्प का प्रस्तुतीकरण संक्षेप में करूँ, मैं अपना नैतिक दायित्व समझता हूँ कि संस्थान के निदेशक के प्रति कृतज्ञता-ज्ञापन एवं संस्थान के बन्धु-बान्धव के प्रति धन्यवाद विचार व्यक्त करूँ, कि उन सबने मुझे इस कार्य हेतु उपयुक्त समझा ।

अत्याधुनिक युग के प्रादुर्भाव के फलस्वरूप जहाँ हम तीव्र से तीव्रतर आवागमनों के साधनों की ओर उन्मुख हुए हैं, जो अनेक प्रकरणों में धरदान सिद्ध हुए हैं, वहीं कुछ प्रकरणों में कुछ के लिए यह दुर्भाग्य-सूचक सिद्ध हुए हैं । आज का अनिश्चित मानव कर्तव्य-बोध से बशीभूत हो जब प्रातः अपने स्वजनों से, अपने गन्तव्य स्थान के लिए विदा लेता है, वही पार्श्व से धीमे से यह आवाज भी बुदबुदाती सुनाई प्रतीत होती है —

“जिन्दगी सुनसान हो जाये, कहीं ऐसा न करना,
रास्ता मिलकर भी खो जाये, कहीं ऐसा न करना
हम बहुत बेकल रहे हैं, लौट आओ-लौट आओ” ॥

फिर भी इस धीमी आवाज को अनसुना कर आज का अविश्वसनीय मानव अपने गन्तव्य की ओर चल देता है । अनेकों प्रकरणों में ऐसा हुआ है, जो गृहिणी प्रातः सधवा थी, वही शाम विधवा हो जाती है और आजीवन अपने को,

अपनी ही असहाय स्थिति में छोड़ देती है और चीत्कार बहुधा सुनाई पड़ता रहता है—

“परिचय इतना, इतिहास गही,
उमड़ी-कलधी, मिट आज खनी,
में नीर भरी, दुःख की बदली ।”

आखिर ऐसा क्यों? यह भयानक कथानक अनेक घरों में, अनेक बार अनचाहे, बिन भाये क्यों दोहराया जाता है? क्या यह स्वयं की—‘सावधानी हूटी, दुर्घटना घटी’ का प्रतिफल है? क्या यह आवागमन के सिद्धान्तों और नियमों की अज्ञानता के फलस्वरूप है? यह तथ्य आपसे, हमसे और सबसे छिपा नहीं है कि दिवंगत आत्मा का नश्वर शरीर “राम-नान-मत्य” की गति को आतुर की दुर्गति, दुर्घटना में काल-कबलित हो जाने के पश्चात् क्या होती है। हम संदर्भित कर रहे हैं दुर्घटना के उपरान्त पनपने वाले पुनिस, निरिक्तीय एवं न्यायिक विसंगतियों की ओर। आखिर क्या हम उस नश्वर शरीर को यह गति भी बिना दुर्गति के नहीं प्रदान कर सकते? विधवा हुई नवयौवना को उसके निरुद्देश्य जीवन के अन्तिम चरण या समीपवर्ती स्तर पर आर्थिक क्षति देने से क्या लाभ? क्या यही प्राविधित अधिनियमों का मन्तव्य है? क्या अनमोल शरीर का यही बेमोल-मोल है? आखिर कछुआही गति से यह प्रकरणों के दांव-पेंच में हम कब तक घसीटते रहेंगे, धके-हारे न्यायार्थी पक्षियों को? क्या वर्तमान विधि के प्राविधानों में, इन परिवेश में परिवर्तन एवं परिवर्द्धन की आवश्यकता नहीं है? इन्हीं मन्तव्यों, इन्हीं संकल्पों को लेकर इन दो दिवसीय संगोष्ठी की संकल्पना, हम संकाय-अधिकारियों ने की है और यह विश्वास बना लिया है कि हम अवश्य सफल होंगे अपने मन्तव्यों को मूर्त रूप देने में, आपके विद्वत मन्वन, विचार-विमर्श, परिषर्वा एवं योगदान से।

जहाँ तक विभिन्न सत्रों के विषय-वस्तु का सम्बन्ध है, इन दो दिवसों में संगोष्ठी के कार्यकलाप के लिए, आपके विचार-विमर्श के लिए चार कार्य-सत्रों में बाँटा गया है :

सत्र—एक दुर्घटना कारणों का विश्लेषण अध्ययन।

सत्र—दो सुधारात्मक उपाय : आवागमन सुग्धा, शिक्षा एवं तत्सम्बन्धी प्रसारण

सत्र—तीन दुर्घटना-क्षतिपूर्ति-न्यायिक व्यवस्था।

सत्र-चार समीक्षा एवं समापन-सत्र

हमने आमन्त्रित किया था विदेशों के विशेषज्ञों को ।

मुझे प्रसन्नता है कि हमें इण्टरपोल पुलिस सर्विस, लंदन, डैनिश, कोलम्बिया, हंगरी, फिलीपाइन्स, आयरलैंड, नाबो, फ्रान्स एवं मलेशिया, फॉरेंसिक साइन्स सोसाइटी, यू०के०, ट्रांसपोर्ट रिसर्च डिपार्टमेंट, यू०के०, ऑक्सफोर्ड विश्वविद्यालय से शुभ-कामनाएं प्राप्त हुई हैं । हम कृतज्ञ हैं श्री रिचर्ड लैम्बर्न, लंदन के जिन्होंने अपने लेख हमें प्रदान किये हैं । इस संगोष्ठी में डा० अमरजीत सिंह, इंग्लैंड एवं श्री मार्टिन हालीवे, आस्ट्रेलिया के महानुभावों ने आने की अपनी सहमति भी दे दी थी, किन्तु खेद है कि विदेश-गमन की औपचारिकताओं से उपस्थित अवरोधों के कारण वे इस संगोष्ठी में भाग नहीं ले पाये हैं ।

आईए ! मिल-बैठकर संगोष्ठी के मन्तव्यों को मूर्त रूप देने का एक सफल, सार्थक प्रयास किया जाय, ताकि संचातिक सड़कों की दुर्दान्त कहानी के दुर्दान्त रूप का सुखान्त अन्त किया जा सके ।

धन्यवाद ।

Presidential Address

Mr. Justice Goyal, the Lokayukta U. P., brother Judges & colleagues, Mr. Hajela, the Director of the Institute and friends.

The subject for the discussion in the Seminar is one which is important for all road users. We all use roads. The days are over when railways alone used to be the major means of transport available for transportation of goods as well as facilities. In the recent past transport by roads has developed tremendously. We are not possessed of statistics but the fact remains that today major means of transport is roadways as carrier of goods. Passengers traffic by road are also not lagged behind. People have also become more mobile. The obvious reason is industrial growth and wider network, led work approach, in sense, independent traffic. Till 1950s the number of auto vehicles in the country was only a few lacs, may be five lacs or so, but that figure has reached much over a crore now. The act result is, that the roads are crowded with fast speed vehicles with lesser regard for traffic control and rules. Number of road accidents has also alarmingly gone up. It will be a matter to be hunt and unhappy about to know that today India is amongst the topper on the wrong side in the road accidents. It is not that the problem had not taken attention earlier but the desired results could not be achieved, so far. Various committees like National Transport Policy Committee, Police Commission, Road Safety Committee etc. have been constituted to find ways and means to check the problem. Motor Vehicles Act was passed in 1939 to meet the problem and to regulate the road transport, which has now been replaced by the Motor Vehicles Act, 1988 which has come into force in 1989. Special care seems to have been taken to

minimise the road accidents as a stricter procedure relating to grant of driving licences has now been provided for. Provision for issuing fitness certificate of vehicle by authorised agents has been made. Checking staff has been given more power in relation to road safety measure, power to arrest without warrant is also provided for driving dangerously or driving under the influence of drug and liquor. Breath test and laboratory test, have been provided for, as to achieve the object of safe drive on the road. There is also a provision for presumption of guilt in cases where one refuses to be subjected to breath test or blood test. Provision for speed limits has already been there. Now a provision for stage of vehicles has also been made. So far compensation is concerned the liability of Insurance Companies are not limited. It may be liable for the higher amount of compensation award against the owner. It also provides for no fault liability. The Lok Adalats have also contributed through its directions by settling the claims of accidents within a reasonable short period. As a matter of fact, one would find that so far as the laws are concerned, to some extent or to a great extent. They are adequate, adequately provided including a provision for road safety Council under the new Act. It is perhaps the implementation part for which it requires some special attention. There would be many sessions and deliberations by the committees covering different aspects, involved in the matters which would definitely help in order to find out the causes of motor accidents and ways and means to reduce them, to the least. In general to improve roads, to improve and wider roads, proper signs on appropriate places and stricter implementation of the provisions of Motor Vehicles Act and rules will definitely improve situation. One who moves on the roads and also drives often finds that the divider on the roads are such that it is difficult to make just the starting point. Same is the position with regard to the street lights. In night driving glare of full head-lights is one of

the major causes which creates problem in driving. These are some very minor things but may creat trouble which I have mentioned. Adequate provisions under the law are there to check them but, implementation of it is equally important. Often people are not aware of the traffic rules and signes. These may be publicised provisionly. If we increase awareness help in road signs and sense to abide by traffic rules, something when observance of courtery week by the traffic police once in a year, need to be done in this area.

I think while sorting out its progress it would be worthwhile to associate, the association of transporters which seems to be quite a strong organised body to suggest the ways and means for less dangerous and excellent road driving. It may perhaps be in a better position to control its members and employees. To check railway crossing mishaps, railway department should also be associated while considering this aspects. Some more scientific methods may be adopted as they may be. Recently many of us have seen the demonstration of a device which has recently been developed in some countries where a vehicle would not move if the driver is on seat, is drunk, beyond certain limits or beyond a certain extent. Perhaps this device may further develope and could be put to use, more and more. There may be many other similar ways which should also be adopted. I hope the different committees would definitely be able to come to useful conclusions that could make valuable contributions to the cause of minimising the road tragedies.

With this I wish this Seminar a success.

Justice Brijesh Kumar

उद्घाटन भाषण

न्यायमूर्ति श्री के०एन० गोयल, लोकायुक्त उ० प्र०

इस सेमिनार के लिए जो विषय संस्थान द्वारा चुना गया है वह अत्यंत सामयिक व महत्वपूर्ण है।

जैसा आपको मालूम है भारत में मोटर दुर्घटनाओं की संख्या विश्व में किसी भी अन्य देश से अधिक है। न केवल कुल संख्या बल्कि देश की जनसंख्या के अनुपात में भी दुर्घटनाओं की दर सबसे अधिक है। यह एक अत्यंत चिंता का विषय है। इसके अनेक कारण हैं।

एक तो वहाँ वाहनों की संख्या पिछले कुछ वर्षों से बहुत तेजी से निरन्तर बढ़ती जा रही है। दूसरे, लगभग सभी सड़कें, आवश्यकताओं को देखते हुए, अत्यंत संकरी हैं। अनेक सड़कों पर रोकनी भी समुचित नहीं होती। नयी नयी कालोनियां बस रही हैं और एकमजिला भवनों को गिराकर व बड़ी-बड़ी कोठियों की खुली जमीन को समाप्त करके, बड़ी-बड़ी बहुमजिला इमारतें खड़ी हो रही हैं। गाड़ियों की पार्किंग के लिए कोई स्थान उपलब्ध नहीं हो पाता। इसी योजना भवन को देखें। आगे दिन यहां उच्च अधिकारियों की बैठकें आयोजित होती हैं जिन्हें राज्यपाल या मंत्रीगण सम्बोधित करते हैं। उस समय इसके सामने की सारी सड़क सरकारी गाड़ियों से पटी रहती है, और अन्य ट्रैफिक के लिए स्थान ही नहीं बचता।

सड़कों पर न केवल मोटर गाड़ियां, स्कूटर, टैम्पो, बसें, ट्रक व ट्रैक्टर ट्रालिया आदि चलते हैं, बल्कि उन्हीं सड़कों पर बैलगाड़ी, घोड़ागाड़ी, रिक्शा ठेले, साइकिलें व पैदल भी चलते हैं उनके लिए कोई अलग सड़कें आदि निर्धारित नहीं हैं। यही नहीं, जगह-जगह गाय, भैंसें, सांड, सूअर, कुत्ते आदि भी सड़क पर चलते-फिरते अथवा बैठे मिलते हैं। रिहायशी मकानों व कार्यालयों के अन्दर से गाड़ियां सीधे सड़क पर ही आती हैं। सड़कों के किनारे की पटरियां लगभग समाप्त हो चुकी हैं। या तो उन पर संलग्न भवनों के मालिकों या किरायेदारों ने अतिक्रमण कर लिया है, अथवा उन पर गरीब

बे-धर लोग बस गये हैं। सामान बेचने वालों के ठेले, खोमचे आदि भी लगे हैं व अनेक विक्रेता जमीन पर ही सामान फैला कर बेच रहे हैं।

सड़कों का रखरखाव भी, निवाय कुछ बी०आई०पी० क्षेत्रों की सड़कों के, लगभग शून्य है।

हमारे देश में, विकसित देशों की तुलना में, लोग अपने वाहनों का प्रयोग भी उनके पूर्वतः जर्जर होने तक करते रहते हैं। इस प्रकार अनेक वाहन वस्तुतः सड़क पर बलाये जाने के योग्य ही नहीं रह जाते।

दुपहिये वाहनों को आजकल कितने ही नावास्तविक वच्चे भी चलाते हुए पाये जाते हैं, इस बारे में रोक-टोक कम ही है। पायोनियर में 2-3 दिन पूर्व छपे एक समाचार के अनुसार तो दिल्ली में जो निजी बस सेवा रेंट-लाइन के नाम से शुरू हुई है उसकी 3000 बसों में से 90 प्रतिशत चालकों के ड्राइविंग लाइसेंस ही जाली है।

ट्रैफिक पुलिस की संख्या भी आवश्यकता के अनुपात में अति न्यून है। जितने ट्रैफिक कांस्टेबल तैनात होते भी हैं तो उनमें से सभी ठीक से प्रशिक्षित या अपने काम के प्रति मुस्तैद नहीं होते। कभी कभी तो आप यहां तक पाते हैं कि कांस्टेबल चोराहे पर ट्रैफिक को नियंत्रित करने को बराय किसी ट्रक वाले से खुल्लम खुल्ला उगाही करने में संलग्न है।

जब कोई दुर्घटना होती है तो कानून व नैतिकता का तकाजा तो यह है कि मोटर गाड़ी के ड्राइवर को अपनी गाड़ी रोक लेनी चाहिए व दुर्घटनाग्रस्त व्यक्ति के उपचार के लिए व्यवस्था करनी चाहिए व उसे शीघ्र अस्पताल पहुंचाना व पुलिस में दुर्घटना की रिपोर्ट देना जरूरी होता है। किंतु व्यवहार में यदि कोई भलामानुस ऐसा करना भी चाहे तो उसके सामने कई कठिनाइयां आती हैं। सबसे पहले तो यह कि जैसे ही वह रुकता है आस पास एक उग्र व आक्रामक भीड़ जमा हो जाती है जो यह परिकल्पना कर लेती है कि चालक का ही कसूर है। उस चालक को न केवल अपनी गाड़ी को क्षति पहुंचाये जाने का बल्कि उसे अपनी जान का खतरा भी अक्सर हो जाता है। ऐसी दशा में एक ओर तो उसकी अंतरात्मा कहती है कि रुक कर अपने फर्ज का पालन करो, व दूसरी ओर उसकी जीवन रक्षा की सहज-वृत्ति उसे प्रेरित करती है कि किसी प्रकार जान बचा कर भागो, हो सके तो गाड़ी सहित, बरना गाड़ी को छोड़ कर।

दुर्घटना में घायल व्यक्ति के लिए कोई तत्कालिक चिकित्सीय उपचार मिलना भी कठिन होता है। सरकारी अस्पतालों में जीवन रक्षक दवाओं की कमी रहती है। इयूटी पर मौजूद डाक्टर को सबसे पहले यह डर सताता है कि वह भेडिको सीगल केम में फसेगा, उसे पुलिस में रिपोर्ट देनी होगी, बाद में ग्यायालयों के अनेक चक्कर गवाही के लिए लगाने पड़ेंगे। सुप्रीम कोर्ट ने हाल ही में ऐसे निर्देश दिये हैं कि घायल व्यक्ति के उपचार को प्राथमिकता दी जाये, भले ही पुलिस में दुर्घटना के संबंध में रिपोर्ट भेजने में विलम्ब क्यों न हो जाये। अभी इन निर्देशों के बारे में जानकारी कितने अस्पतालों व कितने डाक्टरों को हो चुकी है, यह भी संदेहास्पद है।

घायल व्यक्ति की हमदर्दी में भीड़ तो बहुत इकट्ठा हो जाती है जो चालक व उसकी गाड़ी पर अपना रोष बरसाने के लिए तत्पर रहती है, किंतु घायल को अस्पताल तक ले जाने के लिए उसमें से तैयार कोई नहीं होता। एक तो, सभी को अपने काम से काम है, और हरेक को अपने उस काम के लिए पहुंचने की जल्दी होती है जिस काम के लिए वह घर में निकला था। दूसरे, घायल व्यक्ति को ले जाने के लिए कोई व्यक्ति अस्पताल व पुलिस के चक्कर में भी नहीं पड़ना चाहता। पुलिस के बानों में रिपोर्ट लिखाने में भी बहुत समय लगता है और रिपोर्ट लिखाने वाला व्यक्ति भी बाद में गवाही के लिए कचहरी जाना पड़ने से बचना चाहता है। यह बात गवाहों पर ही नहीं बल्कि अक्सर उस व्यक्ति पर भी लागू होती है जो दुर्घटना में घायल हुआ अथवा जिसकी गाड़ी किसी अन्य चालक की गलती से क्षतिग्रस्त हुई। ऐसे व्यक्ति को यह भी खतरा बना रहता है कि जब वह रिपोर्ट लिखाएगा तो उसकी क्षतिग्रस्त गाड़ी भी पुलिस अपनी तपतीश के सिलसिले में कब्जे में ले लेगी। अतः छोटी मोटी चोट या अपने वाहन की क्षति को तो वह नजरन्दाज ही करना चाहेगा, क्योंकि उसके कारण वह भी पुलिस व ग्यायालयों के फेर में नहीं पड़ना चाहेगा। उधर, जैसा पहले बताया, दोषी चालक की प्रवृत्ति यह होती है कि जल्दी से जल्दी दुर्घटना स्थल से भाग जाये और इस कारण उसकी गाड़ी का नम्बर भी अक्सर कोई नोट नहीं कर पाता।

इस सिलसिले में एक बात यह भी है कि बहुत से वाहनों पर नम्बर भी स्पष्ट नहीं लिखे होते और उस बारे में कोई चंकिंग भी ठीक से नहीं होती। कितने ही अक्षर व अंक इस प्रकार लिखे जाते हैं कि उनका अन्तर समझ में नहीं आता। जैसे अक्षर "डी" व अक्षर "ओ" व संख्या "जीरो", तीनों एक से लगते हैं। संख्या "1" व अक्षर "आई" भी एक से लगते हैं। किसी गाड़ी में तो उसका नम्बर बहुत ही फीका लिखा होता है या उसका पेंट छूट गया वह होता है व किसी में बहुत छोटा।

जब मामला न्यायालय में जाता है तो, कहने को तो मोटर दुर्घटनाओं के लिए अलग ट्रिब्यूनलों की व्यवस्था है, किंतु वास्तव में ये ट्रिब्यूनल अलग से नहीं बने हैं, बल्कि सामान्यतया अपर जिला जजों को ही ट्रिब्यूनल की अधिकारिता भी प्रदान कर दी गयी है। ऐसे न्यायालयों में पहले ही अन्य विभिन्न प्रकार के मुकदमों की संख्या बहुत अधिक होती है, और दुर्घटना के मामलों को प्राथमिकता देना भी सम्भव नहीं हो पाता इस प्रकार अन्य मुकदमों की भांति इनके निस्तारण में भी बहुत अधिक समय लगता है। हमारे देश में मुकदमों में तारीखें भी बहुत पड़ती हैं, व कितनी ही बार आकस्मिक छुट्टियाँ, व न्यायालय बंद, व हड़ताल आदि भी हो जाने से, व पीठासीन अधिकारी द्वारा छुट्टी ले लेने से, या किसी वकील के व्यक्तिगत कारण से भी तारीख पड़ जाती है।

जहाँ तक प्रतिवादी का संबंध है वहाँ बीमा कंपनी अथवा राज्य परिवहन निगम की ओर से जो पंरबी की जाती है वह भी हमेशा ठीक से नहीं होती। अक्सर यह देखा गया है कि सरकार व सार्वजनिक निगमों की ओर से जो वकील नियुक्त किये जाते हैं वे या तो बहुत सक्षम नहीं होते, अथवा होते भी हैं तो वे उनके मुकदमों में उतनी रुचि नहीं लेते जितनी कि वे किसी निजी मुवक्किल के बाद में लेते हैं। नीचे के न्यायालय में जो निर्णय हो जाता है, उसके विरुद्ध अपील की संस्तुति निगम के वकील द्वारा लगभग हर मामले में ही कर दी जाती है क्योंकि कोई भी व्यक्ति इस बात की जिम्मेदारी नहीं लेना चाहता कि अपील क्यों नहीं की गयी। वकील को बँसे भी अपील कराना अधिक सुविधाजनक होता है क्योंकि उसे अपील के लिए फिर से फीस मिलती है, भले ही अपील की सफलता की आशा न के बराबर हो।

इधर कुछ वर्षों से राज्य कानूनी सहायता परिषद द्वारा इस प्रकार के मुकदमों के निस्तारण के लिए लोक अदालतें भी आयोजित की जा रही हैं। यह एक अच्छा व सफल प्रयास है। किंतु यह देखा गया है कि निहित स्वार्थों के कारण कुछ वकील व न्यायालयों के कुछ कर्मचारी यही चाहते हैं कि मुकदमों लम्बे खिंचते रहें, वजाय इसके कि उनका निस्तारण शीघ्र लोक अदालतों के माध्यम से हो जाय। जहाँ तक मुझे मालूम है सीगल एंड बोर्ड की ओर से अभी तक कोई ऐसी व्यवस्था नहीं है कि दावा न्यायालय में जाने से पूर्व ही लोक अदालत अथवा इसी प्रकार के किसी अन्य माध्यम से आपस में सुलझ जाय। इसके लिए प्रयत्न करना बहुत कठिन नहीं होना चाहिए, क्योंकि लगभग सभी मामलों में प्रतिवादी या तो सरकार होती है या राज्य परिवहन निगम या सार्वजनिक क्षेत्र की ही बीमा कंपनी होती है। अतएव उन से मिलकर ऐसी व्यवस्था कदाचित

अमल में लाई जा सके कि मामला न्यायालय में जाने से पूर्व ही आपसी समझौते के आधार पर निपट जाय। यदि लीगल एंड बोर्ड की ओर से समुचित प्रचार किया जाय तो वादीगण बजाय न्यायालय में मुकदमा ले जाने व वकील करने के, अपना खाद लीगल एंड बोर्ड अथवा जिला स्थिति लीगल एंड गैल में ही प्रस्तुत कर दें, और वहां से सम्बंधित निगन या सरकार या अन्य पक्षकार को नोटिस दिया जाय। समय समय पर लोक अदालतों आयोजित करके ऐसे दावों का निस्तारण बिना न्यायालय में जाये कर दिया जाय। इसके लिए आपसी समझौते के एक इकरारनामों का उपयुक्त प्रपत्र बनवाना उपयुक्त होगा ताकि सभी लोक अदालतों द्वारा उसी प्रपत्र के अनुसार स्टैम्प पर लिखा पढ़ी सम्पन्न कराई जा सके। यदि समझौते के प्रयास सफल न हो पाये तो उस केस को सीधे लीगल एंड सैल द्वारा ही न्यायालय को अभिदिष्ट गनी refer कर दिया जाये। यदि वादी की मांग बहुत बड़ा बड़ा कर रखी गई है व समझौता प्रक्रिया में उसका आचरण सहयोगात्मक नहीं रहा है तब तो वह स्वयं अपना वकील करे, किन्तु यदि प्रतिवादिपों की हठधर्मिता के कारण समझौता बार्ता असफल हुई हो तो लीगल एंड बोर्ड ही अपना वकील वादी को दे। ऐसी व्यवस्था हेतु कानून में भी आवश्यक संशोधन किया जा सकता है। शायद इस प्रकार मामलों के निस्तारण में समय की काफी बचत हो सके।

जहां तक मुभावजे की धनराशि का संबंध है, उसका निर्धारण कानून द्वारा प्रत्येक मामले की परिस्थितियों के अनुसार किया जाना अपेक्षित है। इसके बारे में हठारों नहीं हो गयी है। ऐबसीडेंट क्लेम्स के अलग लॉ जर्नेल्स भी छपने लगे हैं। इसकी पेचीदगियों में मैं इस अवसर पर नहीं जाना चाहूंगा, क्योंकि इस पर तो इस सेमीनार में एक अलग सत्र में विचार होना ही है। मैं यहाँ केवल इतना सुझाव देना चाहूंगा कि लीगल एंड बोर्ड की ओर से लगभग नौ पृष्ठ का एक संक्षिप्त डाइजैस्ट तैयार करा कर छपवाया जाय और वह लोक अदालतों के पीठासीन अधिकारियों को उपलब्ध करा दिया जाया करे तो सभी के लिए सुविधाजनक होगा। एक तो, ऐसा करने से यह सुनिश्चित किया जा सकेगा कि सभी पीठासीन अधिकारी मुभावजे के निर्धारण में समान नियम लागू कर सकेंगे। दूसरे, दोनों पक्षों के जो वकील या पक्षकार उनके सामने उपस्थित होंगे उन्हें भी डाइजैस्ट के आधार पर समझाने बुझाने में आसानी होगी। इस प्रकार के डाइजैस्ट को तैयार करने व उसके प्रकाशन में यह संस्थान भी अवश्य सहायक हो सकता है।

मुझे हर्ष है कि सेमिनार में सभी विषयों पर अनेक विशेषज्ञ विभिन्न सत्रों में भाग ले रहे हैं। विभिन्न समस्याओं का हल निकालने के हेतु ये सुझाव देंगे। किसी भी समस्या का शत प्रतिशत हल तो हो ही नहीं सकता, किन्तु यदि वर्तमान स्थिति में थोड़ा बहुत भी सुधार इस सेमिनार की सस्तुतियों के फलस्वरूप हो सके तो भी सेमिनार को सफल माना जाएगा।

मैं संस्थान के निदेशक व संकाय के अन्य विद्वान अधिकारियों व सेमिनार में भाग लेने वाले अन्य अनुभवी विशेषज्ञों को शुभकामनाएँ देते हुए सेमिनार की सफलता की आशा करता हूँ।

धन्यवाद।

श्यामसूति कैलाश नाथ गोयल
लोकानुभव, उत्तर प्रदेश।

धन्यवाद ज्ञापन

श्री ए०के० धीवास्तव
ग्याय सचिव

अपनी ओर से तथा संस्थान की ओर से मैं माननीय मुख्य अतिथि महोदय का बहुत उनके प्रति आभार प्रकट करता हूँ कि उन्होंने यहाँ आने की कृपा की और इस सेमीनार के लिये मार्ग निर्देशन दिया जिससे कि ये सेमीनार सफलता पूर्वक सम्पन्न हुआ।

माननीय ग्यायमूर्ति श्री एम० एन० सहाय, श्री एच० एन० तिलहरी श्री वी०एल० लुम्बा जी, श्रीमती शोभा दीक्षित जी, सेवानिवृत्त माननीय ग्यायमूर्ति श्री ओ० पी० महाराजा साहब के भी हम लोग आभारी हैं कि उन्होंने अपने व्यस्त समय में से कुछ समय निकाल कर इस सेमीनार के लिये जो समय दिया है उसके लिये हम आभारी हैं।

लोक सेवा अधिकरण के कार्य वाहक अध्यक्ष श्री वी०वी० अग्रवाल के भी हम आभारी हैं जो उन्होंने यहाँ आकर हमारा सम्मान बढ़ाया।

विभिन्न प्रदेशों से आये हुये प्रतिनिधि गण के भी हम आभारी हैं कि ये इस सेमीनार को सफल बनाने के लिये उपस्थित हैं।

ब्रिगेडियर श्री आर०पी० सिंह एवं डिफेन्स सर्विसिज़ के अन्य उच्च अधिकारियों के भी हम बहुत आभारी हैं कि उन्होंने अपना यहाँ पर हमें योगदान दिया है।

नेपाल देश से आये हुये श्री रोहित घापा जी के भी हम आभारी हैं कि उन्होंने हमको यहाँ पर आकर के इस सेमीनार के लिए योगदान दिया है।

भारतीय पुलिस सेवा के भी उच्च अधिकारी यहाँ पर उपस्थित हैं उनकी उपस्थिति इस सेमीनार के लिये बहुत ही लाभकारी होगी।

सड़क दुर्घटनाओं के कारणों का विश्लेषणात्मक अध्ययन

मनुष्य एक सामाजिक प्राणी है। आदिकाल से मानव अपनी दैनिक आवश्यकताओं की पूर्ति तथा जीवन-निर्वाह के लिए पैदल, मजदूरी पशुओं पर सवार होकर अथवा पशुओं से खींचे जाने वाले पहिया वाले वाहनों से विभिन्न स्थानों की यात्रा करता रहा है। मनुष्य ने एक स्थान से दूसरे स्थान की सुगम, सुरक्षित तथा जगैर किसी रुकावट के आरामदायक यात्रा के लिए सड़कों का निर्माण किया था परन्तु आटो मोबाइल के आविष्कार के बाद यही सड़कें उसकी जानलेवा बन गयी। 1885 में जर्मनी के कार्ल बेन्ज द्वारा पेट्रोल से चलने वाली प्रथम कार बनाने के बाद आटो-मोबाइल के आविष्कार से सड़क मार्ग द्वारा आवागमन में क्रांति आ गयी। शीघ्र सभी देशों में सड़कों पर आटोमोबाइल दौड़ने लगी। 1901 में जमशेदजी टाटा प्रथम भारतीय थे जिन्होंने कार खरीदी यद्यपि कि 1897 में मेमर्स ब्राम्पटन सेवीज कम्पनी ने पहली कार भारत में मंगायी थी।

जनसंख्या वृद्धि, सभी प्रकार के वाहनों की तेजी से उत्तरोत्तर बढ़ती संख्या तथा उनकी तेज गति के कारण सभी सड़कों पर अत्यधिक भीड़-भाड़ तथा ट्रैफिक सघनता की समस्या दिन पर दिन बढ़ती जा रही है। वर्तमान सड़कें इतने अधिक तथा पैदल यात्रियों के साथ-साथ तेज व धीमी रफ्तार से चलने वाले वाहनों के लिए नहीं बनायी गयी थी। वर्तमान सड़कों और ट्रैफिक हेतु उपलब्ध स्थान सीमित है तथा ट्रैफिक के आवागमन हेतु जो स्थान इन सड़कों पर उपलब्ध है वह भी प्रायः वाहनों के गलत ढंग से पार्क करने तथा सड़कों पर अवैध कब्जा के कारण संकुचित हो जाता है। विश्व की प्रथम घातक आटोमोबाइल सड़क दुर्घटना 25 फरवरी, 1899 को लंदन में घटित हुई थी वर्तमान सताव्सी में विश्व के अधिकांश देश में सड़क दुर्घटनाओं में उत्तरोत्तर वृद्धि हो रही है। सड़कों पर घटित होने वाली ट्रैफिक दुर्घटनाएँ जिसमें निरीह व्यक्तियों को जान से हाथ धोना पड़ता है अथवा अपंग हो जाते हैं। बीसवी सताव्सी के मोटर युग की अभिज्ञाप बन गयी है। 1972 में भारत सरकार द्वारा कराये गये एक सर्वेक्षण के अनुसार देश में उस समय हृदय रोग तथा कैंसर के बाद

ट्रैफिक दुर्घटनाओं में सबसे अधिक मृत्यु होना पाया गया था। तब से अब तक सड़क दुर्घटनाओं में मरने वालों की संख्या में कई गुना वृद्धि हो गई है तथा इस समय देश में सम्भवतः किसी बीमारी अथवा कत्ल में इतने व्यक्तियों की मृत्यु नहीं होती जितनी मृत्यु प्रतिवर्ष सड़क दुर्घटनाओं में देश में होती है। सड़क दुर्घटनाओं में भारत में प्रतिवर्ष हजारों निर्दोष व्यक्तियों की असमय मृत्यु होती है तथा लाखों व्यक्तियों को गम्भीर चोटें आती हैं तथा अपंग हो जाते हैं। सड़क दुर्घटनाओं में मृतकों और घायलों की यह संख्या प्रतिवर्ष बढ़ रही है। सड़क दुर्घटनाओं में रोजी/रोटी कमाने वाले व्यक्ति के मृत्यु अथवा अपंग होने से मृतक के परिवार को तो महान क्षति होती ही है समाज को भी विद्वानों, विशेषज्ञों तथा कुशल व्यक्तियों की सेवाओं से वंचित होना पड़ता है। परन्तु इसके बावजूद समाज सड़क दुर्घटनाओं से इतना उद्বেगित नहीं होती जितना किसी कत्ल अथवा व्यभिचार की घटना घटित होने पर। इसका मुख्य कारण यह है कि सड़क दुर्घटनायें देश के विस्तृत क्षेत्र में विभिन्न स्थानों पर प्रतिदिन घटित होती हैं तथा उन्हें देवी आपति अथवा अम्य दुर्घटना के रूप में देखा जाता है, जिसके कारण जनता में सड़क सुरक्षा की भावना उत्पन्न करना एवं जनता की भागेदारी द्वारा सड़क सुरक्षा सुनिश्चित करने में अड़चन पैदा होती है। यह स्थिति निम्नलिखित कारणों से है :-

(1) सड़क सुरक्षा पर जिन महत्वपूर्ण बातों का असर पड़ता है उसका प्रबन्ध शासन की विभिन्न इकाइयों द्वारा किया जाता है। मोटर वाहन के ड्राइवरों को ड्राइविंग लाइसेन्स देने तथा वाहनों को सड़क पर चलने योग्य घोषित करने का कार्य परिवहन विभाग द्वारा किया जाता है। सड़कों की प्लानिंग, निर्माण तथा मरम्मत आदि का कार्य लोक निर्माण विभाग, केन्द्रीय सरकार तथा स्थानीय निकायों द्वारा किया जाता है। मोटर वाहन से ट्रैफिक नियमों का अनुपालन ट्रैफिक पुलिस सुनिश्चित करती है। नगर के भूमि के उपयोग में तथा ट्रैफिक लाइट एवं रिक्शा, टैला, बैलगाड़ी, खोंचे, इत्यादि से टैक्स नगर महापालिका एकत्र करती है आदि।

(2) मोटर वाहनों से जो सड़क दुर्घटनायें घटित होती हैं तथा उससे जो सामाजिक तथा आर्थिक क्षति होती है, उसका पूर्ण अनुमान साधारण जनता को नहीं होता क्योंकि समाज के प्रत्येक व्यक्ति को सड़क दुर्घटनाओं से हानि न होकर, प्रत्यक्ष रूप से दुर्घटना में घस्त व्यक्ति तथा उसके परिवार को ही हानि होती है और जब तक कोई व्यक्ति स्वयं दुर्घटना का शिकार नहीं होता वह अपने को सड़क दुर्घटना से निर्लिप्त समझता है।

(3) विश्व के विकसित देशों में सरकारों द्वारा सड़क सुरक्षा को बहुत महत्व दिया जाता है तथा इसके लिए अलग से बजट का प्राविधान किया जाता है। उन विकसित देशों में नगर महापालिका द्वारा रोड सेफ्टी के लिए अलग से धनराशि आवंटित की जाती है तथा हाईवे बजट में सड़क दुर्घटनाओं के अन्वेषण तथा सड़क दुर्घटनाओं के निवारण के लिए भी धन आवंटित किया जाता है परन्तु दिल्ली प्रदेश को छोड़कर उत्तर प्रदेश आदि प्रान्तों में सड़क सुरक्षा की शिक्षा के नाम पर कोई धन आवंटित नहीं किया जाता। यद्यपि कि द्वितीय रोड सेफ्टी काउन्सिल ने वर्ष 1988 में निर्णय लिया था कि मोटर वाहनों से जोटैक्स एकत्र होता है, उसका एक प्रतिशत प्रान्तीय सरकारें रोड सेफ्टी प्रोग्राम पर खर्च करें तथा यह धनराशि सड़क की मरम्मत पर न खर्च की जाये जिसके लिए अलग से बजट आवंटित किया जाता है।

(4) ट्रैफिक प्रबन्ध के कई एक ऐसे पहलू हैं जिनके लिए कोई कानून अथवा नियम नहीं है अथवा कानून में कुछ ट्रैफिक अपराधों के लिए बहुत कम दण्ड का प्राविधान किया गया है। भारतवर्ष में पंढल यात्रियों के अधिकार एवं कर्तव्य मोटर वाहन अधिनियम में निरूपित नहीं किये गये हैं। इसी प्रकार जानवरों से धींचे जाने वाले वाहनों तथा हाथ से चलाने वाले वाहन जैसे ठेला, रिक्शा, बलगाड़ी आदि के नियन्त्रण का कोई प्रबन्ध नहीं है। नगर महापालिका बलगाड़ी, ठेला, साइकिल रिक्शा, पानी की ट्रालियों, आदि के लाइसेन्स के नाम पर पैसा लेती है। अधिकतर नगर महापालिकाओं की आर्थिक स्थिति अच्छी नहीं है। अतः टैक्स के रूप में धन एकत्र करने हेतु नगर के भीड़-भाड़ वाले मोहल्लों में भी सड़क पर लगाये जाने वाले खोन्बों, ठेलों, बलगाड़ियों इत्यादि को परमिट दे देते हैं। सापरवाही के कारण गम्भीर दुर्घटना घटित कर देने के बाद भी मोटर ड्राइवर का लाइसेन्स जब्त कराना कठिन कार्य है तथा जिन सड़क दुर्घटनाओं में लोगों की मृत्यु हो जाती है वे अपराध भी दस्तदाजी होते हुए जमानती हैं जिसके कारण अपराधियों को पुलिस अथवा न्यायालय से तुरन्त जमानत मिल जाती है। फलस्वरूप ट्रैफिक नियमों का अनुपालन कराने में पुलिस को अत्यधिक कठिनाई उठानी पड़ती है। भारत में सड़कों पर चलने वाले वाहनों तथा व्यक्तिओं की स्थिति विश्व के विकसित देशों के सड़कों के यातायात से सर्वथा भिन्न है। सड़कों पर, मोटर वाहनों की जितनी संख्या है उससे कई गुना अन्य प्रकार के वाहनों जैसे साइकिल, साइकिल रिक्शा, एक्का, बलगाड़ी, ठेला आदि की संख्या है तथा जनसंख्या तथा मोटर वाहनों की संख्या की वृद्धि के साथ अन्य वाहनों की भी संख्या समान रूप से तेजी से बढ़ रही है। मोटर

वाहनों की कुल संख्या का लगभग 50 प्रतिशत स्कूटर/मोटर साइकिल की संख्या है। इस प्रकार भारत की सड़कों पर, तेज तथा धीमी गति से चलने वाले विभिन्न वाहन आटोमोबाइल, मनुष्य एवं जानवरों द्वारा खींचे जाने वाले वाहन तथा पैदल यात्री साथ-साथ सड़कों का उपयोग करते हैं। अधिकतर सड़कें सिग्नल लेन हैं तथा इतने अधिक तथा धीमे चलने वाले वाहनों के साथ-साथ तेज रफतार से चलने वाले वाहनों के लिए यह सड़कें नहीं बनी थीं। न ही उनको और चौड़ा करने की गुंजाइश है। नई विकसित होने वाली कालोनियों में भी सड़कों का विकास योजनाबद्ध तरीके से भविष्य की आवश्यकताओं को ध्यान में रखकर नहीं किया जा रहा है। इसके साथ-साथ सड़कों पर आबारा पशुओं तथा अनाधिकृत अतिक्रमण की समस्या है तथा सड़कों का उपयोग जानवरों को बांधने से लेकर खेल के मैदान तथा गल्ला तथा फसल मुछाने तक के लिए किया जाता है। सड़कें केवल यातायात के लिए ही प्रयोग नहीं की जाती। मोटर वाहनों के अतिरिक्त पशुओं द्वारा अथवा व्यक्तियों द्वारा खींचे जाने वाले वाहनों के लिए न तो किसी रोड पिटमेस की आवश्यकता है, न ही उनमें चालकों को किसी ट्रेनिंग अथवा ड्राइविंग लाइसेंस की। पैदल चलने वालों के भी कर्तव्य अथवा अधिकार निर्धारित नहीं है। परिणामस्वरूप सड़कों पर ट्रेफिक जाम तथा सड़क दुर्घटनाओं तथा उसमें मरने वालों तथा घायलों की संख्या प्रतिवर्ष भारत में बढ़ रही है।

सड़क दुर्घटनाओं के कारण :

सड़क दुर्घटनाएँ दैवीय आपत्ति अथवा अपने आप में घटित न हो कर कतिपय मानवीय असावधानियों अथवा परिस्थितियों के कारण घटित होती हैं। यद्यपि कि सड़क दुर्घटनाएँ कुछ परिस्थितियों में असम्भावी हैं तथा उन्हें पूर्णरूप से समाप्त नहीं किया जा सकता परन्तु सड़क दुर्घटनाओं के कारणों एवं परिस्थितियों जिनके कारण सड़क दुर्घटनाएँ घटित होती हैं, को यदि नियमित किया जाय तो निश्चय ही सड़क दुर्घटनाओं की संख्या में कमी अवश्य लायी जा सकती है। सड़क दुर्घटनाएँ पूर्ण नियोजित न होकर मानवीय तथा स्थितिपरक कारणों से एका-एक घटित होती हैं। बास्टेयर ने कहा है कि दुर्घटना नाम की कोई चीज नहीं है, वास्तव में उस नाम से जिसे हम पुकारते हैं किसी कारणवश घटित होती है। अधिकतर सड़क दुर्घटनाएँ मोटर व साइकिल चालकों तथा पैदल चलने वालों द्वारा स्थिति के अनुरूप निर्णय न लेने, अनावश्यक जोखिम उठाने अथवा उनकी जल्दबाजी, लापरवाही व असावधानी के कारण से घटित होती हैं। वाहन तथा सड़कें सुरक्षा को घटाती

बढ़ती अवश्य है परन्तु ऐसी दुर्घटनाओं की संख्या जो केवल सड़क अथवा वाहन के कारण घटित होती है उनकी संख्या बहुत अधिक नहीं है। सड़क खराब होने पर सड़क प्रयोग करने वाले को अधिक सावधानी, नियंत्रण और जिम्मेदारी निभानी पड़ती है। अधिकतर सड़क दुर्घटनायें ड्राइवरों की गस्ती से घटित होती है। अतः कुछ समय पूर्व तक यह समझा जाता था कि सड़क दुर्घटनायें ट्रेफिक नियमों का पालन न करने के कारण ही घटित होती है और यदि मानवीय पक्ष में सुधार लाया जाय तो सड़क दुर्घटनाओं पर नियंत्रण पाया जा सकता है परन्तु सड़क दुर्घटनाओं के आँकड़ों के अध्ययन से अब यह निष्कर्ष निकाला गया है कि सड़क दुर्घटनाओं के लिए मानवीय पक्ष जैसे ड्राइवरों का शारीरिक एवं मनोवैज्ञानिक पक्ष तो जिम्मेदार है ही, परन्तु परिस्थितियों तथा वातावरण के इन कारकों के संयोग से दुर्घटनायें घटित होती है तथा मानवीय पक्ष ही सड़क दुर्घटनाओं के लिए जिम्मेदार नहीं है। अक्सर सड़क दुर्घटनायें वाहनों के पुर्जों की खराबी, सड़क की दोषपूर्ण बनावट एवं स्थिति तथा मौसम की खराबी के कारण घटित होती है। यदि मनुष्य स्वभाव को प्रभावित करने वाले इन कारकों पर भी नियंत्रित किया जा सके तो सड़क दुर्घटनाओं में भी कमी लायी जा सकती है। इस प्रकार सड़क दुर्घटनाओं के वाहन, सड़क तथा सड़कों को प्रयोग करने वाले मुख्य कारक है। इनमें सड़क निष्क्रिय कारक है और वाहन तथा सड़क प्रयोग करने वाले, सक्रिय कारक है। सड़क प्रयोग करने वालों और वाहन की गति तथा सड़क के योग से ऐसा वातावरण निमित्त होता है जिसके कारण सड़क दुर्घटनायें घटित होती है। सड़क दुर्घटनाओं पर नियंत्रण का उपाय वाहनों तथा सड़क प्रयोग करने वालों को यातायात नियमों की शिक्षा तथा नियंत्रण (इनफोसमेंट) तथा सड़कों की प्लानिंग, डिजाइन तथा चौराहो आदि की जियोमेट्रिक्स का सुधार अर्थात् ट्रेफिक इंजीनियरिंग है।

सड़क दुर्घटनाओं के आँकड़ों के अध्ययन से निम्नलिखित तथ्य परिलक्षित होते हैं :-

(1) भारतवर्ष में प्रतिवर्ष सड़क दुर्घटनाओं तथा उनमें मरने एवं घायल होने वाले व्यक्तियों की संख्या में वृद्धि हो रही है। वर्ष 1983 में भारत में 17,70,57 सड़क दुर्घटनायें हुई थी, जिनमें 32849 व्यक्तियों की मृत्यु एवं 134112 व्यक्ति घायल हुए थे। वर्ष 1991 में देश में कुल 294022 सड़क दुर्घटनायें घटित हुई थी जिनमें 56525 व्यक्तियों की मृत्यु तथा 255384 व्यक्ति घायल हुए थे।

(2) देश में वाहनों की संख्या एवं जनसंख्या में वृद्धि हो रही है परन्तु इस अनुपात में सड़कों की लम्बाई नहीं बढ़ रही है। विश्व के अन्य विकसित देशों की अपेक्षा भारत में प्रति 1000 वाहन पर दुर्घटनाओं की संख्या तथा प्रति 1000 वाहन पर मृतकों की संख्या कहीं अधिक है जैसा कि वर्ष 1990 के निम्नलिखित आँकड़ों से स्पष्ट है :-

देश	पंजीकृत वाहनों की संख्या	सड़क दुर्घटनाओं की संख्या	मृतकों की संख्या	प्रति 1000 वाहन पर दुर्घटनाओं की सं०	प्रति 1000 कि० मी० पर मृतकों की संख्या
भारत	19177000	282602	54058	14.76	2.82
जापान	75560871	643097	11227	8.51	0.15
आस्ट्रिया	4531637	46338	1391	10.22	0.31
ब्रिटेन	23436000	254593	5373	10.86	0.23

इस प्रकार भारतवर्ष में प्रति 1000 वाहन पर 14.76 व्यक्तियों की मृत्यु होती है तथा प्रति 1000 किलोमीटर सड़क की लम्बाई पर 2.82 व्यक्तियों की मृत्यु होती है। जापान, आस्ट्रिया तथा ब्रिटेन में यह संख्या काफी कम है।

(3) वर्ष 1990 की भारतवर्ष तथा भारत के 12 मेट्रोपोलिटन नगरों अहमदाबाद, बंगलौर, बम्बई, कलकत्ता, दिल्ली, हैदराबाद, उदयपुर, कानपुर, लखनऊ, मद्रास, नागपुर तथा पुणे की सड़क दुर्घटनाओं को देखने से ज्ञात होता है कि यद्यपि कि इन 12 मेट्रोपोलिटन नगरों में 23.42 प्रतिशत दुर्घटनाएँ घटित हुईं। तथापि इन सड़क दुर्घटनाओं में मरने वालों की संख्या देश के कुल सड़क दुर्घटनाओं में मरने वालों की संख्या का केवल 9.67 प्रतिशत थी जो कि सम्पूर्ण भारत के अन्य देशों में घटित सड़क दुर्घटनाओं में मरने वालों के औसत संख्या से काफी कम है। वर्ष 1990 में भारत में कुल 282602 सड़क दुर्घटनाएँ घटित हुई थीं। इन सड़क दुर्घटनाओं में से 66206 सड़क दुर्घटनाएँ देश के 12 महानगरों में घटित हुई थी जिनमें 5228 व्यक्तियों की मृत्यु हुई थी।

(4) उ०प्र० में सड़क दुर्घटनाओं की संख्या तथा उनमें मरने एवं घायल होने वाले व्यक्तियों की संख्या भी प्रतिवर्ष बढ़ रही है। वर्ष 1983 में उ०प्र० में 10129 सड़क दुर्घटनाएँ हुई थी, जिनमें 4154 व्यक्तियों की मृत्यु हुई थी तथा 5616 व्यक्ति घायल हुए थे वर्ष 1991 में उ०प्र० में 16864 सड़क दुर्घटनाएँ

घटित हुई, जिनमें 7806 व्यक्तियों की मृत्यु तथा 12571 व्यक्ति घायल हुए थे। सड़क दुर्घटनाओं की संख्या के अनुसार देश में वर्ष 1991 में सर्वाधिक सड़क दुर्घटनाएँ अर्थात् 58378 महाराष्ट्र में घटित हुई थी। दूसरे स्थान पर तमिलनाडु जहाँ 32522 सड़क दुर्घटनाएँ एवं तीसरे स्थान पर गुजरात जहाँ 27140 सड़क दुर्घटनाएँ घटित हुयी थी। सड़क दुर्घटनाओं की संख्या को देखते हुए वर्ष 1991 में उ०प्र० का आठवां स्थान था, परन्तु मृतकों की संख्या को देखते हुए उ०प्र० का देश में प्रथम स्थान रहा। वर्ष 1991 में उ०प्र० में सड़क दुर्घटनाओं में 7806 व्यक्तियों की मृत्यु हुई थी, जबकि महाराष्ट्र जहाँ सबसे अधिक सड़क दुर्घटनाएँ घटित हुई थी, में 6116 व्यक्तियों एवं तमिलनाडु जो दुर्घटनाओं के अनुसार दूसरे स्थान पर था, में 6406 व्यक्तियों तथा गुजरात में 3979 लोगों की मृत्यु हुई थी।

(5) उत्तर प्रदेश में वर्ष 1991 में 16864 सड़क दुर्घटनाएँ घटित हुई जिनमें 7806 व्यक्तियों की मृत्यु हुई। इन सड़क दुर्घटनाओं में राष्ट्रीय राजमार्गों पर 5658, प्रान्तीय राजमार्गों पर 6390 तथा अन्य मार्गों पर 4816 सड़क दुर्घटनाएँ घटित हुईं। राष्ट्रीय राजमार्गों पर 2944, प्रान्तीय राजमार्गों पर 2798 तथा अन्य मार्गों पर 2064 व्यक्तियों की मृत्यु हुई थी। इस प्रकार राष्ट्रीय राजमार्ग पर 33.55 प्रतिशत, प्रान्तीय राजमार्गों पर 37.89 प्रतिशत तथा अन्य मार्गों पर 28.55 प्रतिशत सड़क दुर्घटनाएँ घटित हुईं। मृतकों के प्रतिशत के अनुसार राष्ट्रीय मार्गों पर 37.71, प्रान्तीय राजमार्गों पर 35.84 तथा अन्य मार्गों पर 26.44 व्यक्तियों की मृत्यु हुई थी।

(6) उत्तर प्रदेश में राजमार्गों की कुल लम्बाई 2754 किलोमीटर प्रान्तीय राजमार्गों की लम्बाई 9768 कि०मी० तथा अन्य मार्गों (लोक निर्माण विभाग द्वारा रक्षित पक्के मार्ग) की लम्बाई 9270 कि०मी० है। वर्ष 1991 में प्रति कि०मी० मार्ग दुर्घटनाओं के अनुसार राष्ट्रीय राजमार्गों पर 2.05 दुर्घटनाएँ प्रति कि०मी०, प्रान्तीय राजमार्गों पर .65 दुर्घटना प्रति कि०मी० व अन्य मार्गों पर 0.08 दुर्घटना प्रति कि०मी० घटित हुईं।

(7) वर्ष 1991 में प्रति कि०मी० मृतकों की गणना के अनुसार राष्ट्रीय राजमार्गों पर प्रति कि०मी० 1.06 व्यक्ति प्रान्तीय राजमार्गों पर 0.28 व्यक्ति तथा अन्य मार्गों पर 0.03 व्यक्ति प्रति कि०मी० मृत्यु हुई थी। इस प्रकार प्रदेश में औसतन सर्वाधिक सड़क दुर्घटनाएँ एवं मृतकों की संख्या राष्ट्रीय राजमार्गों एवं प्रान्तीय राजमार्गों पर हुईं।

(8) उत्तर प्रदेश में वर्ष 1991 में 16864 सड़क दुर्घटनाएँ घटित हुईं जिनमें 7806 व्यक्तियों की मृत्यु हुई थी। इसमें 5818 सड़क दुर्घटनाएँ जिनमें 3021 व्यक्तियों की मृत्यु हुई थी। ट्रकों द्वारा 3676, बसों द्वारा, 1864 मोतों, कार/जीप/टिक्सी से 2357 दुर्घटनाएँ, जिनमें 829 व्यक्तियों की मौत हुई तथा शेष सड़क दुर्घटनाएँ एवं मृत्यु अन्य वाहनों से हुई।

उत्तर प्रदेश में 31-12-91 तक 2065520 वाहन पंजीकृत थे इसमें से 71573 सार्वजनिक वाहन अर्थात् ट्रक 24367, बस 120423, दो पहिया वाहन 1449304 तथा शेष अन्य प्रकार के वाहन थे। दो पहिया वाहनों में सर्वाधिक वृद्धि हुई है।

इस प्रकार प्रदेश में कुल वाहनों की संख्या का 3.46 प्रतिशत सार्वजनिक वाहन अथवा ट्रक से तथा इन ट्रकों द्वारा 34.49 प्रतिशत सड़क दुर्घटनाएँ घटित की गईं, जिनमें 38.70 प्रतिशत व्यक्तियों की मृत्यु हुई थी। बसों की संख्या कुल वाहनों की 1.18 प्रतिशत थी तथा 21.8 प्रतिशत सड़क दुर्घटनाएँ बसों द्वारा घटित हुईं जिनमें 23.88 प्रतिशत व्यक्तियों की मृत्यु हुई थी। संख्या के अनुसार प्रदेश में कारों की संख्या कुल वाहनों की 5.83 प्रतिशत थी तथा 13.97 प्रतिशत सड़क दुर्घटनाएँ कारों द्वारा घटित की गईं, जिनमें 10.62 प्रतिशत व्यक्तियों की मृत्यु हुई थी। इस प्रकार भारी वाहनों से सबसे अधिक सड़क दुर्घटनाएँ एवं मौतें हुईं।

(9) वर्ष 1990 में भारत में कुल 282602 सड़क दुर्घटनाएँ घटित हुईं थी जिनमें 54058 व्यक्तियों की मृत्यु हुई थी। इन सड़क दुर्घटनाओं में 75 प्रतिशत दुर्घटनाएँ ड्राइवरों की गलती से 4.7 प्रतिशत सड़क पर चलने वालों की गलती से, 2.6 प्रतिशत खराब सड़कों के कारण 2.6 वाहनों के मैकेनिक खराबी के कारण, 0.7 प्रतिशत खराब मौसम के कारण तथा 14.4 प्रतिशत अन्य कारणों से घटित हुई थी।

उ०प्र० में वर्ष 1991 में कुल 16864 सड़क दुर्घटनाएँ घटित हुईं थी जिनमें 7806 व्यक्तियों की मृत्यु हुई थी। इन सड़क दुर्घटनाओं में से ड्राइवरों की गलती से 85.11 प्रतिशत सड़क पर चलने वालों की गलती से 2.30 प्रतिशत, खराब मौसम के कारण 2.45 प्रतिशत तथा खराब सड़कों के कारण 1.82 प्रतिशत तथा शेष दुर्घटनाएँ अन्य कारणों से घटित हुई थी।

इस प्रकार देश में घटित होने वाली दुर्घटनाओं के लिए वाहन चालक मुख्यतः जिम्मेदार हैं। वाहन चालकों की ट्रेनिंग पर विशेष ध्यान दिये जाने की आवश्यकता है तथा वाहन चालकों को जो ड्राइविंग लाइसेन्स दिया जाता है, वह कठोर परीक्षण पश्चात् दिया जाना चाहिए। प्रदेश में ड्राइवरो को ट्रेनिंग देने हेतु एक भी सरकारी ट्रेनिंग स्कूल नहीं है जो प्राइवेट ट्रेनिंग स्कूल है, उनमें प्रशिक्षित शिक्षकों की कमी है तथा ट्रेनिंग के सभी उपकरण उपलब्ध नहीं हैं।

(10) सड़क दुर्घटनाओं में मृतकों की श्रेणी देखने से ज्ञात होता है कि सड़क दुर्घटनाओं में पैदल यात्री, साइकिल चालक तथा मोटर साइकिल/स्कूटर चालकों की मृत्यु सबसे अधिक होती है। सड़क दुर्घटनाओं में मरने वाले व्यक्तियों के आयु विश्लेषण से ज्ञात होता है कि सड़क दुर्घटना में जो व्यक्ति मरते हैं उनमें से अधिकांश 21 वर्ष से 30 वर्ष तक के आयु वर्ग के होते हैं। पैदल यात्रियों, साइकिल चालकों तथा मोटर साइकिल/स्कूटर चालकों की सड़क दुर्घटना में अधिक संख्या में मृत्यु होने का मुख्य कारण इस श्रेणी के व्यक्तियों को सड़क सुरक्षा के नियमों का पूर्ण ज्ञान न होना है तथा सड़कों पर पैदल यात्रियों के लिए फुटपाथ तथा अन्य सुविधाओं का न होना, अलग से साइकिल ट्रेक का न होना तथा सड़क सुरक्षा के नियमों के ज्ञान की कमी होना है। नवयुवकों का अधिक संख्या में सड़क दुर्घटना में अग्रतस्त होने का मुख्य कारण नवयुवकों में जल्दबाजी (rashness) का होना तथा सड़क सुरक्षा के नियमों की शिक्षा की कमी का होना है।

भारतवर्ष में यातायात की स्थिति प्रगतिशील देशों से भिन्न है। देश की अधिकतर सड़कें मोटर युग के प्रारंभिक अवस्था के पहले बनी थीं तथा उनको और चौड़ा किये जाने की और गुंजाइश नहीं है इन सड़कों पर मोटर वाहनों के साथ-साथ पैदल तथा घीमें चलने वाले वाहनों की संख्या भी प्रतिदिन बढ़ रही है। सड़कों की ज्योमेट्रिक्स ठीक नहीं है तथा सड़क पर चलने वाले पैदल यात्री साइकिल सवार तथा मोटर चालकों को ट्रेफिक नियमों के संबंध में शिक्षित करने की अत्यधिक आवश्यकता है। मोटर चालकों में यह भावना जाग्रत करना आवश्यक है कि पैदल तथा साइकिल सवार व्यक्तियों का भी अधिकार सड़क पर चलने का है। इसी बिन्दु को ध्यान में रखते हुए जनवरी, 1991 में इण्टरनेशनल कानफेंस आन रोड ट्रेफिक में Delhi declaration on the Safety of the vulnerable road user नामक घोषणा पत्र निर्गत किया था जिसका अनुपालन परम आवश्यक है। किसी मर्ज के उपचार के बजाय उसकी रोकथाम उत्तम होता है अतः उपयुक्त होगा कि सड़क दुर्घटनाओं को घटित न होने के उपाय किये जायें। इसके लिए

सड़क प्रयोग करने वाले बर्ग को यातायात के नियमों के संबंध में शिक्षित करना तथा ट्रैफिक नियमों का उठोरता से अनुपालन सुनिश्चित करना तथा सड़कों की ज्योमेट्रिकल में सुधार करना आवश्यक है।

ट्रैफिक एजुकेशन

समाज के प्रत्येक बर्ग के लोगों में ज्ञान का अभाव है कि सड़क को याता-यात के लिए ही रहने दिया जाना चाहिए। सड़कें फसलों को सुखाने से जानवरों को बांधने तथा बच्चों के खेल मैदान तक के लिए प्रयोग में लायी जाती है। परिणामस्वरूप सड़कों पर यातायात के लिए स्थान (कर्रैजवे) जो पहले से ही कम है और सकरा हो जाता है और यातायात के सुगम प्रवाह में बाधा पड़ती है।

सड़क प्रयोग करने वालों में सबसे अधिक संख्या पैदल चलने वालों, साइकिल सवार तथा मनुष्य और जानवरों द्वारा खींचे जाने वाले वाहनो जैसे रिक्शा, ठेला, एक्का आदि का है। मोटर वाहनो की संख्या का 50 प्रतिशत ट्रैफिक दो पहिया वाहन (स्कूटर तथा मोटर साइकिल) का है। सड़क दुर्घटनाओं में मरने वालों की संख्या भी सबसे अधिक पैदल यात्रियों, साइकिल सवार तथा दो पहिया वाहन स्कूटर/मोटर साइकिल वालों की है। आम जनता में, ट्रैफिक के प्रति जागरूकता पैदा करने के लिए उन्हें ट्रैफिक नियमों का ज्ञान कराया जाना अति आवश्यक है। यह शिक्षा बचपन से ही प्रारम्भ होनी चाहिए। अतः स्कूलों की विभिन्न कक्षाओं में ट्रैफिक पार्क बनाये जाने चाहिए जहाँ खेल-खेल में बच्चों को ट्रैफिक के नियमों से अवगत कराया जा सके। आम जनता को ट्रैफिक के नियमों की जानकारी दिलाने के लिए रेडियो, दूरदर्शन डाकूमेन्ट्री फिल्म, स्लाइड एवं पोस्टरों का प्रयोग किया जाना चाहिए जिससे आम जनता को ट्रैफिक के नियमों का ज्ञान हो सके। साइकिल सवारों तथा दो पहिया मोटर वाहन चालकों की शिक्षा का भी प्रबंध किया जाना चाहिए। ग्रेट ब्रिटेन में दिसम्बर, 1990 से दो पहिया मोटर वाहन चालकों हेतु वाहन चलाने की शिक्षा अनिवार्य कर दी गई है और जब तक ट्रैफिक ट्रेनिंग पूरी नहीं हो जाती उन्हें सड़कों पर दो पहिया वाहन चलाने की अनुमति नहीं दी जाती। साइकिल सवारों को साइकिल की सवारी की ट्रेनिंग "साइकिल बे" के नाम से "साइकिल प्रोफिसियेन्सी स्कीम" के तहत दी जाती है। इसी प्रकार की ट्रेनिंग दो पहिया मोटर वाहन चालकों और साइकिल सवारों को भारत में भी दी जानी चाहिए।

देश में लगभग 350 लाख लोग विभिन्न प्रकार के मोटर वाहन चलाते हैं।

इनमें 20 लाख भारी वाहनों के चालक हैं। आँकड़ों के अनुसार सबसे अधिक सड़क दुर्घटनायें मोटर चालकों की गस्ती से होती हैं। तथा इनमें सबसे अधिक भारी मोटर वाहन के चालकों द्वारा सड़क दुर्घटनायें की जाती हैं। अतः मोटर वाहन चालकों विशेषकर भारी मोटर वाहनों के ड्राइवरों की ट्रेनिंग तथा उन्हें ड्राइविंग लाइसेन्स देने में विशेष ध्यान देने की आवश्यकता है। ड्राइवरों को परिवहन विभाग द्वारा लाइसेन्स दिये जाने के पूर्व ट्रेफिक नियमों रोड चिन्ह, रोड पार्किंग, सिग्नल आदि के बारे में भली-भाँति परीक्षा ली जानी चाहिए तथा लाइसेन्स दिया जाना चाहिए तथा उक्त अवधि में कोई दुर्घटना न करने पर परमानेंट लाइसेन्स दिये जाने चाहिए। 60 वर्ष से अधिक आयु के लोग तथा जो लोग मिरगी अथवा हृदय रोग से ग्रसित हैं, उन्हें ड्राइविंग लाइसेन्स बिल्कुल नहीं दिया जाना चाहिए।

उ०प्र० में एक भी सरकारी मोटर ड्राइविंग ट्रेनिंग स्कूल नहीं है। सभी प्रकार के वाहन चालक प्राइवेट ट्रेनिंग स्कूल में ट्रेनिंग लेकर मोटर चलाने का लाइसेन्स प्राप्त कर लेते हैं। इस स्कूलों में न तो ट्रेनिंग के उपर्युक्त उपकरण तथा कम्पाउन्ट ही है, न ही योग्य प्रशिक्षक। अतः वे स्कूल मोटर ड्राइविंग की वांछित स्तर की ट्रेनिंग प्रशिक्षणार्थियों को नहीं दे पाते। इन स्कूलों का ध्येय मात्र पैसा कमाना होता है।

परिवहन विभाग तथा ट्रेफिक विभाग के सिपाही तथा हे०का० की भी ट्रेफिक नियमों की सही ट्रेनिंग दी जानी चाहिए जिससे सड़क सुरक्षा उनके द्वारा सुनिश्चित किया जा सके। साथ ही साथ ट्रेफिक पुलिस में रोड सेफ्टी एवं एजुकेशनल सेल खोला जाना चाहिए जो समाज के प्रत्येक वर्ग को माहित्य तथा फिल्मों द्वारा सड़क सुरक्षा की शिक्षा दे सके। स्वयंसेवी संस्थायें भी इन कार्य में मदद कर सकती हैं।

संक्षेप में ट्रेफिक एजुकेशन के लिए निम्नलिखित कार्य किये जाने चाहिए :-

- 1- सड़क उपयोग करने वाले विभिन्न वर्गों को सड़क सुरक्षा की शिक्षा स्वयंसेवी संस्थाओं तथा पुलिस के रोड सेफ्टी एजुकेशनल सेल द्वारा दिया जाना।
- 2- स्कूलों के पाठ्यक्रम में रोडसेफ्टी सम्मिलित किया जाना।
- 3- नगरों में ट्रेफिक ट्रेनिंग पार्कों की स्थापना।
- 4- रेडियो, दूरदर्शन, सिनेमा आदि द्वारा रोड सेफ्टी के नियमों के पालन किये जाने संबंधित प्रचार प्रसार।

- 5- द्वाइबरों हेतु सुसज्जित ट्रेनिंग स्कूल की स्थापना ।
- 6- पुलिस तथा परिवहन विभाग के कर्मचारियों को रोड सेपटी तथा ट्रैफिक नियमों का प्रशिक्षण ।

ट्रैफिक इन्फोर्समेंट

सड़क सुरक्षा की सबसे बड़ी समस्या है कि सड़क सुरक्षा से संबंधित नियमों का पालन हम स्वयंएव नहीं करते । सड़कों पर वाहनों की गति सीमा निर्धारित करने तथा उसका प्रचार किये जाने के बाद भी उसका पालन नहीं किया जाता । इसी प्रकार ट्रकों तथा बसों में भार और सवारियों की सीमा निर्धारित होने के बावजूद उसका पालन नहीं किया जाता । मनुष्य का स्वभाव ही है जहां उसका स्वार्थ निहित होता है और उसे नियम विरुद्ध कार्य करने पर दण्ड का भय नहीं रहता वह पूर्ण मनोयोग से नियमों का उल्लंघन करता है । अतः सड़क सुरक्षा के नियमों का सख्ती से अनुपालन सुनिश्चित करना आवश्यक है ।

सड़क यातायात भारतीय संविधान की (कानकरेंट) सूची में है । मोटर वाहन अधिनियम केन्द्रीय सरकार का अधिनियम है परन्तु इसका कार्यान्वयन प्रान्त सरकार की जिम्मेदारी है । प्रान्तीय सरकार को वाहनों की बनावट, साज-सज्जा एवं रख-रखाव जैसे, यात्रियों की संख्या, प्रेक्लाइट, रफ्तार आदि के संबंध में अधिनियम बनाने का अधिकार है । मोटर वाहन अधिनियम के विभिन्न प्राविधानों के अनुपालन करने की सरकार के विभिन्न विभागों की जिम्मेदारी है ट्रैफिक कंट्रोल का कार्य पुलिस के जिम्मे है, वाहनों को फिटनेस तथा लाइसेंस देने तथा द्वाइबरों को द्वाइविंग लाइसेंस देने की जिम्मेदारी परिवहन विभाग की है । सड़कों के रख-रखाव की साधारणतयः जिम्मेदारी लोक निर्माण विभाग की है । सड़कों पर नगर सीमा में अतिक्रमण हटाने, आवारा पशुओं को नियंत्रित करने की नगर महापालिका की जिम्मेदारी है आदि । इन सभी विभागों के कार्यों के सामान्यस्व स्थापित करने के लिए केन्द्र स्तर पर नेशनल रोड सेपटी कौंसिल प्रान्तीय स्तर पर स्टेट रोड सेपटी कौंसिल तथा जिला स्तर पर डिस्ट्रिक्ट रोड सेपटी सलाहकार समिति का गठन किया गया है । परन्तु सड़क सुरक्षा संबंधित विभिन्न विभागों के कार्यों का समन्वय नहीं हो पा रहा है ।

ट्रैफिक इंजीनियरिंग

सड़कों के प्लानिंग, डिजाइन तथा निर्माण के समय सड़क सुरक्षा के इंजीनियरिंग उपायों की ओर ध्यान दिया जाना आवश्यक है । सड़कों की डिजाइन तथा ज्योमेट्रिक का सड़क सुरक्षा से बहुत बड़ा योगदान है । सड़कों की

प्लानिंग तथा निर्माण के समय सड़क सुरक्षा के निम्नलिखित महत्वपूर्ण बिन्दुओं की ओर ध्यान दिया जाना आवश्यक है :—

(1) रोड ज्यामेट्रिक (2) रोड इण्टरसेक्शन (3) पैदल चलने वालों के लिए फुटपाथ तथा सड़क पार करने हेतु ओवर या अण्डरब्रिज वे (4) धीमी गति से चलने वाले वाहनों हेतु अलग ट्रैक (5) मेडियन (6) रोड साइड, गति सीमा पोस्ट तथा रोड मार्किंग, जेबरा लाईन आदि (7) वाहन पार्किंग के स्थान (8) आवश्यकतानुसार सड़क के किनारे रेलगाड़ (9) चौराहों की उचित रोड ज्यामेट्रिक आदि ।

इसके अतिरिक्त सड़कों के वे भाग जहाँ सड़क दुर्घटनायें अधिक घटित होती हैं, का ट्रैफिक इंजीनियरों द्वारा अध्ययन करके यदि उन स्थानों पर रोड ज्यामेट्रिक के कारण सड़क दुर्घटनायें घटित हो रही हैं तो उसमें सुधार लाया जाना चाहिये इससे सड़क सुरक्षित होंगी ।

सड़क दुर्घटनाओं की रोकथाम जितनी आवश्यक है उतना ही महत्वपूर्ण सड़क दुर्घटना घटित हो जाने पर घायल व्यक्तियों के प्राण रक्षा के लिए उनको प्राथमिकता उपचार प्रदान करना तथा उन्हें उपचार हेतु अस्पताल पहुंचाना है । एक सर्वे के अनुसार सड़क दुर्घटना में घायल व्यक्तियों को समय में डाक्टरों सहायता न मिलने के कारण 30 प्रतिशत घायल व्यक्तियों की मृत्यु हो जाती है अथवा घायल व्यक्ति अपंग हो जाते हैं । दुर्घटना घटित होने पर अक्सर दुर्घटना करने वाले वाहन चालक न्यायालय द्वारा दोषी पाये जाने पर दण्डित किये जाने अथवा जनता के रोष से बचने के लिए घायल व्यक्ति को अस्पताल पहुंचाने के बजाय घटनास्थल से भाग खड़े होते हैं । जनता के व्यक्ति पुलिस द्वारा परेशान किये जाने के भय अथवा न्यायालय में गवाही देने से बचने के लिए घायल व्यक्ति की मदद नहीं करते । अस्पताल अथवा डाक्टर के पास घायल व्यक्ति के पहुंच जाने पर भी कभी-कभी डाक्टर उपचार प्रारम्भ करने के पूर्व पुलिस में रिपोर्ट दर्ज कराने पर जोर देते हैं तथा तुरन्त उपचार प्रारम्भ नहीं करते । इस प्रकार का विलम्ब अक्सर घायल व्यक्ति के लिए जान लेबा हो जाता है ।

सड़क दुर्घटनाओं में समय से प्राथमिक उपचार न मिलने के कारण बड़ी संख्या में घायलों की मृत्यु हो जाने अथवा अपंग हो जाने के कारण भारत सरकार ने सड़क दुर्घटनाओं में घायल व्यक्तियों के प्राण रक्षा के लिए नेशनल हाईवे एक्सी-डेन्ट रिस्कीफ सर्बिस स्कीम के नाम से एक नई कल्याणकारी योजना का गठन

प्रस्तावित किया है। यह स्कीम देश के 3 निम्नलिखित राष्ट्रीय राजमार्गों पर चलाने का प्रस्ताव है :—

- 1- राष्ट्रीय राजमार्ग नम्बर 2 पर दिल्ली से कानपुर
- 2- राष्ट्रीय राजमार्ग नम्बर 8 पर दिल्ली से जयपुर
- 3- राष्ट्रीय राजमार्ग नम्बर 22 पर दिल्ली से चण्डीगढ़ तक

इस स्कीम में एम्बुलेंस तथा ब्रेन आदि का भी प्राविधान किया गया है। तथा भविष्य में इन कल्याणकारी योजना का विस्तार पायलों के प्राण रक्षा के लिए अन्य सड़कों पर भी किया जायेगा।

माननीय उच्चतम न्यायालय के विद्वान न्यायाधीश माननीय न्यायमूर्ति श्री आर०एन० मिश्र एवं माननीय न्यायमूर्ति श्री जी०एल० ओझा ने हिमिनल रिट पिटीशन नं० 270 वर्ष 1983 पंक्ति परमानन्द कटरा बनाम भारत सरकार एवं अन्य में दुर्घटनाओं में पायल नागरिकों को चिकित्सीय उपचार हेतु डाक्टरों के पास ले जाये जाने पर दुर्घटना से सम्बन्धित दण्ड प्रक्रिया सहिता की औपचारिकताओं की पूर्ति किये जाने की प्रतीक्षा के बगैर डाक्टरों के द्वारा पायल नागरिकों को अविलम्ब चिकित्सीय सहायता उपलब्ध कराये जाने के संबंध में एक महत्वपूर्ण निर्णय दिया है जिसके अनुसार सड़क दुर्घटनाओं में पायल नागरिकों को चिकित्सीय उपचार करना डाक्टरों का कर्तव्य है।

पेट ब्रिटेन, यू०एस०ए०, जर्मनी तथा जापान आदि विकसित देशों में वर्ष 1970 के बाद सड़क दुर्घटनाओं तथा उनमें मरने वाले व्यक्तियों की संख्या दिन प्रतिदिन कम हो रही है जबकि भारत तथा अन्य विकासशील देशों में प्रतिवर्ष सड़क दुर्घटनाओं तथा उनमें मरने वाले व्यक्तियों की संख्या में प्रतिवर्ष वृद्धि हो रही है। वर्ष 1970 के पूर्व इन विकसित देशों में भी प्रतिवर्ष सड़क दुर्घटनाओं तथा उनमें मरने वालों की संख्या बढ़ रही थी परन्तु उक्त देशों द्वारा उच्च स्तरीय स्थाई संस्था स्थापित की गई जिसके सदस्य सड़क सुरक्षा के प्रशिक्षित व्यक्ति थे। शासन ने इस संस्था को काफी बड़ी धनराशि सड़क सुरक्षा के कार्यक्रम के चलाने हेतु आवंटित की तथा इस संस्था द्वारा विभिन्न विभागों के कार्यक्रमों में सामंजस्य स्थापित करने के कारण सड़क दुर्घटनाओं की संख्या तथा उनमें मृत्यु व्यक्तियों की संख्या पर नियंत्रण पाया जा सका। उदाहरण स्वरूप जापान में 1970 में मेन्डुल काउन्सिल आन ट्रेफिक मेफटी मेजर्स कायम की गई जिसके चेयरमैन स्वयं प्रधानमंत्री थे। यह संस्था प्रत्येक 5 वर्ष के लिए सड़क

सुरक्षा के प्रोग्राम बनाती है तथा उसका कार्यान्वयन सुनिश्चित करती है। काफी मात्रा में धनराशि इस संस्था को आवंटित की गई है। परिणामस्वरूप 1970 से 1979 तक सड़क दुर्घटनाओं में मरने वालों की संख्या जापान में 17,000 से घटकर 8,500 हो गई। यू०एस०ए० में वर्ष 1969 तक प्रति वर्ष सड़क दुर्घटनाओं में मरने वालों की संख्या बढ़ जाती थी तथा 1969 में यह संख्या 55,791 हो गई थी। उस वर्ष वहाँ पर नेशनल हाईवे ट्रैफिक एडमिनिस्ट्रेशन, ट्रान्सपोर्टेशन डिपार्टमेंट कायम किया गया जिसका प्रधान स्वयं यू०एस०ए० के राष्ट्रपति द्वारा सीधे नियुक्त किया जाता था। इस संस्था के सड़क सुरक्षा के कार्यों के क्रियान्वयन से प्रतिवर्ष यू०एस०ए० में सड़क दुर्घटनाओं तथा उनमें मरने वाले व्यक्तियों की संख्या घटने लगी। इसी प्रकार की कार्यवाही आस्ट्रेलिया, फ्रांस आदि देशों में की गई जिससे सड़क सुरक्षा सुनिश्चित करने में सहायता मिली। भारत वर्ष में भूतल परिवहन मन्त्रालय, स्वास्थ्य मन्त्रालय, गृह मन्त्रालय, ह्यूमन रिमोसॅज डेवलपमेंट एण्ड माइंस टेक्नोलॉजी विभाग के सड़क सुरक्षा सम्बन्धी कार्यों में सामन्जस्य स्थापित करने हेतु स्थाई सामन्जस्य कार्यान्वयन समिति कैबिनेट सचिवालय स्तर पर कायम करना उचित होगा, जो सड़क सुरक्षा के कार्यों को देने क्योंकि प्रगतिशील देशों के दृष्टान्त से स्पष्ट है कि जब तक सामन्जस्य स्थापित करने हेतु अलग से उच्च स्तरीय स्थाई संस्था, जिसमें सड़क सुरक्षा के प्रशिक्षित व्यक्ति हों तथा सड़क सुरक्षा प्रोग्राम के कार्यान्वयन हेतु उक्त संस्था को काफी बड़ी मात्रा में धनराशि आवंटित नहीं की जायेगी तब तक सुरक्षा का प्रभावी प्रोग्राम नहीं बनाया जा सकता, न ही सड़क दुर्घटनाओं तथा उनमें मरने वाले व्यक्तियों की संख्या में कमी लायी जा सकती है।

भारत में प्रतिवर्ष बड़ी संख्या में निर्दोष व्यक्तियों की सड़क दुर्घटनाओं में मृत्यु हो जाती है। सड़क दुर्घटनाओं पर प्रभावी नियन्त्रण हेतु निम्नलिखित कार्यवाही उपयुक्त होगी :—

(1) यातायात नियन्त्रण में विभिन्न विभागों की भूमिका रहती है परन्तु प्रत्यक्ष रूप से पुलिस की भी भूमिका दृष्टिगोचर होती है। सार्वजनिक निर्माण विभाग, नगर महापालिका विकास प्राधिकरण नगर विकास विभाग, परिवहन विभाग इत्यादि की प्रमुख भूमिका यातायात नियन्त्रण में है क्योंकि वाहनों की फिटनेस तथा वाहन चालकों को ड्राइविंग लाइसेन्स परिवहन विभाग द्वारा दिया जाता है। सड़कों का रख-रखाव पी०डब्ल्यू०डी० द्वारा किया जाता है। रिक्राना, खोमचे के ट्रेलरों आदि का लाइसेन्स नगर महापालिका द्वारा एवं ट्रैफिक लाइट का रख-रखाव, रोड मार्किंग आदि का रख-रखाव नगर महापालिका/नगर-

पालिका द्वारा किया जाता है। विभिन्न विभागों के कार्य जिनका प्रत्यक्ष अथवा परोक्ष प्रभाव यातायात नियन्त्रण पर पड़ता है, वे सामंजस्य स्थापित करने के लिए स्टेट्युटरी बाडी नहीं है। प्रभावी यातायात प्रबन्ध के लिए आवश्यक है कि विभिन्न विभागों के कार्यकलापों में सामंजस्य स्थापित करने के लिए स्टेट्युटरी बाडी का गठन किया जाय। मोटर व्हीकिल ऐक्ट 1988 में परिवहन सलाहकार समिति के गठन का प्राविधान है।

(2) आटोमोबाइस वाहनों के नियन्त्रण हेतु मोटर व्हीकिल ऐक्ट है परन्तु सड़क का अन्य प्रयोग करने वाले जैसे हाथ से खींचे जाने वाले वाहन, इक्का, रिक्शा तथा पंढल यात्रियों के लिए अलग से इनकी सड़क पर गतिविधियों के नियन्त्रण हेतु कोई कानून नहीं है। यातायात के प्रभावी नियन्त्रण हेतु आवश्यक है कि ट्रैफिक ऐक्ट बनाया जाय जिसमें सड़क प्रयोग करने वाले सभी व्यक्तियों एवं वाहनों की गतिविधियों के नियन्त्रण हेतु नियमों का समावेश हो।

(3) वर्तमान में यातायात के अधिकांश नियमों के उल्लंघन के लिए बहुत ही कम दण्ड का प्राविधान है। पुलिस को ट्रैफिक के छोटे मोटे अपराधों के गौके पर धमन का अधिकार प्रदेश सरकार द्वारा नहीं दिया गया है। यद्यपि की मोटर वाहन अधिनियम 1988 की धारा 200 के अन्तर्गत प्रदेश सरकार द्वारा पुलिस को यह अधिकार दिया जा सकता है। परिणामस्वरूप यातायात के छोटे-मोटे अपराधों के निर्णय में भी काफी समय लगता है जिससे अपराधीयण यातायात के नियमों का बेसिद्धक उल्लंघन करते हैं। यातायात नियमों के उल्लंघन के लिए दण्ड और कठोर किये जाने तथा पुलिस को कम्पाउन्डिंग आफ अफेन्सेज का अधिकार दिये जाने की आवश्यकता है।

(4) वर्तमान में यातायात से सम्बन्धित कानून का अनुपालन पुलिस तथा परिवहन विभाग के अधिकारियों द्वारा कराया जाता है यदि यह कार्य केवल एक ला-इन्फोरसिंग एजेन्सी द्वारा ही किया जाय तो सम्बन्धित विभाग अधिक जिम्मेदारी से कार्य करेगा तथा नियमों के पालन कराने में सुविधा होगी।

Tragic Roads : Meagre Shelters

1. A road which is meant for a mission, a road which is required to take a pedestrian to a destination—designed, developed, and decorated since time immemorial to give comforts to millions of passers by, the world over, has suddenly become a tragic venue. A recent survey shows that the roads have indeed become tragic not only on account of incidents or accidents but also on account of heat, dust, noise and smoke that are generated on account of vehicular traffic. On an average, about 57,000 persons die on the roads every year in India. The total economic loss to the society on account of the road incidents amounts to Rs. 5000 crores annually.

2. In 1992, there were more than 3 lakhs road incidents. The major fatal incidents took place in the State of Uttar Pradesh, where out of 16,685 road incidents, more than 7,600 persons died. Tamil Nadu was next in the list of fatal incidents where 7,073 persons died. Maharashtra has a list of 6,726 death cases. Andhra Pradesh road incidents claimed 6,036 lives while Gujrat took the toll of more than 4,000 victims. In Karnataka, the number of those killed on the roads was 5,000; in Rajasthan 3,862; in West Bengal 2,700 and in Bihar 2,013. The lowest figure was that of Laksha-dweep where only 1 person had died in a road incident. In all 2,85,879 incidents occurred in which 59,380 persons died and 2,50,542 were injured. These alarming figures of incidents pose natural questions—

- (a) Are the safety precautions effective enough to stop the loss of lives and property?
 - (b) Are the existing laws adequate to check this sudden spurt of incidents?
 - (c) Are enough precautions taken to stop noise, dust and smoke particularly when the vehicular traffic pass through hospitals, educational institutions and offices?
 - (d) Is the law enforcing machinery prompt in taking adequate action?
 - (c) Are the modes of compensation reasonable? What remedial measures are required to control the same?
- (3) These are some of the vital questions with which we are required to be confronted. With a tremendous advance in science and technology,

a number of sophisticated vehicles have come into the market in various shapes and sizes. We are gradually approaching the 21st century. In the last century, we did not know the impact of atomic energy, nuclear structure, radio wave, computer etc which have substantially changed the complexion of transportation. In years to come, transportation will assume new dimension. We are going to have magnetic levitation trains running at a speed of 500-1000 Kmph. We will also see airborne orient expresses taking off like a plane and it will fly 25 times more than the speed of sound, whereby it will put a Bombayite in New York within an hour. Similarly, cars will have systems of infra-red image to enable the drivers to identify the roads in all climatic conditions, microwave communication system etc. We are also going to have fire resistant fuel and seats made of inflammable synthetic materials which will not produce smoke and poisonous gases when it burns. Some Pharmacologists in USA and Sweden claim that they have produced artificial blood which will quickly meet the requirements in cases of traffic accidents. The need of transfusion of real blood will be done away with and the problems of diseased blood, incompatible blood and finding of donors will be resolved for ever. All types of blood will be available from the ordinary Medical Stores. Plastic Surgery, free-flap Surgery and microsurgery will also perform miracles. A micro-processor driven plastic arm will work like a real arm and will even perform operations with utmost precision. Such dynamic innovations will certainly decrease the intensity of road side accidents.

Statutory provisions

4. Under the seventh schedule of the Constitution of India, List II (Entry 13), "Communications", that is to say, roads bridges, ferries and other means of communication not specified in list", comes under the "State List". Police (including railway and village police)" (Entry 2) comes under State List. A rash or negligent driving on a public highway is usually charged under Sec 279 of the Indian Penal Code, 1860. When such ingredients are applicable and death of a person is caused, it comes within the purview of Sec 304 A of the Indian Penal Code. These are broadly two sections under which an offence pertaining to rash or negligent act is tried. In various judicial pronouncements, a rash act is held to be an ever-hasty act and is thus opposed to be a deliberate act but it also includes an act which, though it may be said to be a deliberate act, is yet done without due deliberation and caution. In rashness, the criminality lies in running the risk of doing an act with recklessness or indifference to consequences. On the other hand, negligence is a negative word. It is an omission to do some thing which a reasonable man, guided upon those

considerations which ordinarily regulate the conduct of human affairs would do, or doing something which a prudent and reasonable man would not do. Judicial pronouncements have gone to the extent of defining the "criminal negligence", "culpable negligence" & "contributory & negligence". The punishment under Section 279 extends to imprisonment of either description which may extend to six months or with fine which may extend to one thousand rupees or with both. The punishment under Section 304 A extended to two years imprisonment of either description or with fine or with both. In due course of time, these provisions were found to be inadequate, to control the rash or negligent driving. Moreover, on account of changes in road transport technology, pattern of passenger and freight movements, the motor vehicle Act 1939 came into operation. This was again found inadequate and some national committees recommended simplification and rationalisation in its various provisions. This led to the passing of motor vehicles Act, 1988. It rationalised the practice and procedure pertaining to grant of driving licence, standards for anti pollution control devices, administration of General Insurance, compensation in cases of hit-and-run motor accident, compensation to victims of motor accidents constitution of road safety councils and deterrent punishment in cases of certain offences.

5. How far these provisions are effective, elaborate and stood the test of the time? In a recent incident on 28 Aug 93, two ladies, wives of two senior serving officers were proceeding on a moped from their school where they were teaching, to their residence at Lucknow Cantt. As the moped approached a cross-road, a fast driving truck approaching from a side road, collided with the moped. One of the two ladies was thrown away and died on the spot. The other lady was dragged with the truck for a distance of 90 yards away from the point of impact and succumbed to injuries enroute to military hospital. The driver who had no licence tried to run away but was soon surrounded by a crowd and eventually arrested. The incident, I will deliberately not use the word 'accident' which is no offence under Section 80 of the Indian Penal Code, took place in broad day light when there was no obstruction of human or vehicular traffic. The driver of the truck after collision was conscious of the impact, knew its implications and still continued to drive the vehicle in a reckless manner. Is it a mere rash or negligent act which caused death, or it was a deliberate and conscientious act? Was there any possibility to save the two lives if the truck would have stopped at the point of impact?

MT discipline in regular Army

6. In regular Army, the basic causes for the increase in the MT

incidents are identified and suitable remedial measures are taken. Some of such measures are as under : —

(a) In order to cut down the movement of vehicles in towns/built up areas, parking places are earmarked for DD vehicles in all the cities/towns in consultation with civil authorities.

(b) Specific speed and dangerous driving checks are organised at regular intervals by the Formation/Station HQs inside the Station on the High ways and cities by Military Police.

(c) One day in a week is observed as a "Vehicle Dry Day". No vehicle is required to move on these days except with the prior approval of the competent authority. Adm duties ie, collection of rations, stores etc is rescheduled accordingly. This will, however, not apply to ambulance and other vehicles carrying sick persons/families to/from MH/MI Room and other essential vehicles like fire tenders to meet emergencies and planned collective training exercises.

(d) Any vehicular movement out of the unit/formation will have a co-driver. In the event of a vehicle meeting with an incident, appropriate disciplinary action is taken against the co-driver as well. Only service personnel travelling with a vehicle is required to act as co-driver.

(e) Under AA Sec 91 (g) of the Army Act, penal deductions, can be awarded by competent authorities to compensate loss on account of damages. JCOs/OR are generally awarded penal deductions @ 10% of the cost of damage subject to a maximum of Rs 800/- in cases of damages upto Rs 10,000/- and 5% thereafter subject to a maximum of Rs 1000/-. The quantum of penal deduction on account of negligence on the part of officers may be even higher.

(f) Each driver is tested by a trained officer for strict driving and maintenance test. Apart from the initial test, six monthly driving tests are carried out for all the drivers. Where possible drivers are tested for hill driving and night driving.

(g) All drivers are given required training in road etiquettes and traffic rules. It is observed that most of the civilian drivers do not know the rules regarding right of way. They drive on to the main road from a side road without bothering to check the traffic on the main road. Their anticipation is often poor. They over take the vehicles at fast speed even on blind corners.

(j) Speed limits on high ways, built up areas and narrow roads are strictly enforced. In some cases, if the MT drivers are dealt with leniently for rash driving or they are let off due to misplaced unit "izzat" or loyalty, such lapses are viewed seriously.

(k) "Dos and Don'ts" for the drivers is explained and put across to the drivers every week either at First-Parade or at Roll Call. A board showing details of accidents that have taken place in a year in a unit and the names of drivers are also displayed by some units in the MT park.

(l) A Court of Inquiry is generally held in MT accidents and such proceedings are finalised expeditiously. Wherever, due to unavoidable circumstances, the Court of Inquiry is delayed, the reasons for the same are submitted to the superior authorities.

(m) Once the Court of Inquiry is finalised, a final report giving full details of the MT accident including the circumstances under which the incident took place, casualties damage to property, punishment including penal deduction awarded and any case for compensation to be filed against the civilians, is forwarded to the superior authorities for necessary action.

(n) If a prima facie case is established, the accused is tried by one of the four modes of Courts Martial. In cases involving rash or negligent act leading to death an accused is generally tried under section 69 of the Army Act read with Section 304-A of the Indian Penal Code by a District Court Martial.

7. In view of the fast changing scenario, it is imperative to consider the following issues :-

(a) Whether the existing laws of the land are adequate to cover the vehicular incidents and consequences thereof ?

(b) Whether the different States of the Union depending upon their geographical locations and strategic considerations are fully equipped to regulate the flow of traffic even in the remote areas of the country ?

(c) Is the mode of compensation adequate or it is required to be fixed to avoid prolonged litigation ? Closely connected with this issue is award of fine pronounced by the Courts. Should it be given to victims or their dependents or it should go to the Govt Treasury as is the practice today ?

(d) Is it necessary for Central and State Govts to draw specific programmes for construction of laws for two wheelers, pedestrians

and cyclists ? Should the Ministry of Surface Transport have direct Liaison with PWD of each State ?

(e) What measures should be initiated to have better coordination amongst the Police, Medical Agencies, Local bodies and voluntary organisations for implementation of road safety programmes ?

(f) Is there any need to activate the Human Resource and Development Ministry for including road safety measures in curriculum of schools ?

B. If the above measures are analysed, assessed and implemented objectively, the tragic roads where meagre shelters are available today, may change ever to a prosperous high way in the next century.

Road Accident Investigation as a Branch of Forensic Science

Richard F Lambourn^a

INTRODUCTION

Forensic science at its broadest is science applied to the processes of the law and the courts. However in most people's minds it is something which takes place in a laboratory, and in the popular imagination it is largely confined to autopsies and the identification of trace materials from crime scenes. But the truth is that a modern forensic science laboratory embraces a huge range of activities, and in particular will now include physicists and engineers who are able to bring their peculiar skills to bear on the problems which arise in the detection of crime: so much so that the term *forensic engineering* has now come into use to describe what they do [1].

One particular aspect of this which has grown considerably in recent years is road accident investigation and reconstruction, and this paper describes how a large UK laboratory has become involved in accident investigation and also describes some of the techniques now available, with particular emphasis on new developments.

THE ACCIDENT INVESTIGATOR AND THE LABORATORY

Because the most important part of the investigation takes place at the scene of an incident which is in a public place which cannot be kept closed for more than two or three hours (rather than, for example, in a laboratory), it is necessary for the expert investigator to be someone who is readily available to be present at that stage. Traditionally this role is taken by a police officer, and the well-established courses are either in police training schools, or are directed at the police.

Police officers have the advantage that they are highly mobile individuals who have the authority to take charge of a section of the public highway and who are accustomed to working "unsocial hours". Also,

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because their background is usually one of general traffic patrol work, they have an experience of accidents which is probably unrivalled.

However, because most police officers do not have the kind of scientific or engineering education which is needed for a thorough understanding of the techniques of accident investigation, their employment in this role has led in some places to a "formula" approach to the matter : one where the method is to measure certain quantities at the scene, put them into a formula, and find an answer. One training school, for example, has advertised a seminar in which leading experts" will present their latest formulas", as though the formula rather than an understanding of the physical process is the central reality.

For example, one of the most commonly used formulae is the one for speed from curved tyre scuff marks :

$$v = \sqrt{(\mu \cdot g \cdot r)}$$

which relates v , the initial speed of an object (a motor car), to r , the radius of curvature of its tyre marks, using a simple constant coefficient of friction or "drag factor", [2]

Procedures for applying it vary. The coefficient, μ , is sometimes simply estimated from tables of typical figures [3], but is more often (in the author's experience) measured in a locked wheel skid test in another car : r may be measured directly from the road or sometimes from a scale plan.

Straightaway there will be doubts about these approaches in the mind of any engineer, but more fundamentally there will be questions about the validity of the very simplistic model behind the equation what about the characteristics of individual models of car ?; what about tyre inflation pressures ?; what if the driver braked ?; and so on.

It is unlikely that the majority of police officers will have the necessary depth of knowledge of car handling, tyre properties and the body of research on the technique to answer these queries, and as such they are very vulnerable to challenge in court proceedings. Indeed, the author is aware of a specific case in South Australia where the judge refused to admit evidence of this sort from a police officer who had been trained at one of the major US schools because the technique "had not been shown to be a sufficiently organised or recognised branch of knowledge that it should be accepted as reliable in the Courts. No person was called to verify the scientific dependability of the principle. The tests which [were

Performed by the police officer] fell a long way short of validating the principle by tests and practical experience".

It was to avoid problems of this sort that the Metropolitan Police in London decided more than 20 years ago that its officers would need scientific support. The initial idea was that these scientists would merely "prove the formulae" in other words certify for the Courts that the formulae were *mathematically* correct but no more. This illustrates the "formula" attitude to accident investigation, and was unacceptable to the Forensic Science Laboratory staff who were approached to undertake this task.

Instead the Laboratory decided that it must become knowledgeable about the underlying physical and mechanical processes and, in any particular accident case, must know all about the circumstances and the evidence. Then a statement would be produced saying that the scientist agreed with the procedures used in the circumstances and certifying that they were physically correct. He would also be in a position to add any comments of his own.

This led to a programme of tests of the more important techniques being undertaken, as much to confirm for our own benefit that they were reliable as to make any new contribution to the [general body of knowledge [4, 5].

It also led to a deeper involvement with the police investigators, both at accident scenes and also in the instruction of them at the training school. The officers also assisted with the programme of tests.

There were some initial tensions between the police and the scientists, some of the former feeling that the skills they had already been taught were being doubted or even in particular instances declared to be inapplicable by individuals with no practical experience of investigating "real accidents". However, the system in London has now settled into a comfortable partnership, with the police officers organised into full-time accident investigation units and the scientists being available through a 24-hour call-out rota for attendance at the accident scene should the police investigator so require.

Thus the arrangement which has now been achieved in London is one where some or all of the following options can be taken after a serious road accident :

an experienced traffic police accident investigation officer can be quickly called to the scene;

in difficult or contentious special cases a scientist can also be called ;

a scientist can be consulted by the police officer after the event ; the officer's report of his findings is checked, corroborated or corrected as necessary, and sometimes extended by a scientist;

a scientist is then available to attend any court hearing to explain and defend the officer's methods and to comment on any

Challenge from an expert acting for the Defence.

In London there are seven full-time units each comprising four or five officers, while in the Laboratory to support them there are at present six scientists. Between them in 1992 the units investigated 1500 accidents, of which 370 were sent on to the Laboratory.

Training

The training of police accident investigators in the UK has always been done at police-run training establishments with most of the instruction being given by police officers. To begin with these courses followed the model of the Northwestern University's Traffic Institute [6], but with their increasing understanding and with the assistance of the Laboratory's scientists the instructors have developed them to the point where they lead to a nationally recognised "Certificate in Road Accident Investigation" granted by the City and Guilds of London Institute.

The syllabus covers both practical and theoretical work [8], and in many respects is similar to the ACTAR Certificate of Qualification in the USA [9]. The practical skills which are tested include tyre mark identification, measurement of tyre/road friction (i.e. skid testing), interviewing of witnesses, and how to go about obtaining specialist advice. Candidates are also required to submit examples of casework they have already done and to draw a scale plan of a set section of road.

The theoretical sections are mathematics (simple algebra, linear and quadratic equations, simple trigonometry, and an understanding of the concepts of precision and error), various aspects of kinematics and dynamics as applied to motor vehicles. The latter include the laws of motion, simple friction theory, vehicle skidding behaviour, circular motion, vectors, linear momentum, some knowledge of impact damage, and speed estimates from projectile range.

An extension of the syllabus currently under consideration is the characteristics of pedestrian accidents.

One topic not covered is speed estimates from impact damage using the CRASH3 program (or any other calculating procedure). Instead the practice in London is for both the measurement of damage and the computation to be undertaken by a scientist, it being considered that a full understanding of the operation of the program and of the validity of its output is too complex for the great majority of police investigators. (The program actually used is the EDCRASH adaptation for micro-computers [10].)

THE TECHNIQUES OF ACCIDENT RECONSTRUCTION

In the great majority of cases the first aim of the police accident investigator is to find the velocities of the vehicles involved. Once this has been done the movements of the vehicles, pedestrians &c. can be fitted together in a "reconstruction" of the accident which may then show who (if anyone) was to blame.

Some of the techniques of speed estimation have been mentioned above, and in any case many are too well known to require any great explanation here. Most of them are set out in the chapters of the text book edited by Fricke [7], but below is given a listing of the main methods with comments on any problematical or novel aspects where appropriate.

The length of straight locked-wheel skid marks: the simple calculation assumes that on a given surface the sliding tyre/road coefficient of friction is independent of speed, contact pressure, and tyre type and condition (among other things). On hard dry surfaces these are at least approximately true to a degree which is acceptable for the use of the technique. Some controversy exists over speed dependence, but tests in the UK show that there appears to be none in the conditions encountered there [11].

The curvature of tyre scuff marks made during cornering [2].

The distances thrown or flown by debris, pedestrians &c.: many treatments of this are simplistic, regarding the object as a point mass where that is not appropriate, and handling only the parabolic trajectory without considering any sliding or tumbling on at the end of it. A recent helpful treatment has been given by Searle [12], while the body of research on pedestrians is considerable [13].

The amount of damage sustained by cars in crashes: the CRASH3 program and its derivatives provide an easily-used and easily-abused approach to this; as mentioned above, a good under-

standing of them is needed before they can be used reliably [10, 14].

The distances slid by motorcycles after collisions [15].

Tachograph chart analysis : In Europe this is a very important method in the investigation of truck and bus accidents [16].

The Future

The future of accident investigation is undoubtedly tied up with the all-pervading technology of electronics. Police officers are starting to measure accident scenes not with tape measures but with "total station" theodolites which down-load into electronic memories which in turn interface with CAD programs [17].

Considerable interest is being shown in computer generated video reconstructions of accidents, and the accident reconstruction session in the last three annual SAE Congresses have concentrated on it [18].

Anti-lock brakes present difficulties to the investigator in that tyre marks from heavy braking are either very faint or invisible altogether. However there is some hope, in Europe at least, that accident data recorders (ADRs) will one day, like tachographs, become common and even the rule in motor vehicles. Electronic devices have already been developed [19, 20] and in Sweden a very cheap (about \$5) mechanical recorder has been produced [21].

A dream one may have is that the output from an ADR could be fed straight to a video reconstruction package to give a true video replay of the whole accident!

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Investigating Traffic Accidents :

A Curtain Raiser

Road accidents have always taken their toll of human life. Thousands of people die every year due to road accidents. As far as the criminal aspect of road accidents is concerned, it might be a means to commit a crime or to cover up a crime already committed. The causes of the road accidents may be broadly classified under the following headings :—

1. Human Failure:

The driver of the vehicle involved in an accident may not be able to control the vehicle due to several factors, like : Fatigue, Sleepiness, Physical Inability or Influence of Alcohol and in such a case, losing his ability to judge the situation.

2. Mechanical Failure :

There may be a failure of the Steering, Gear or the brakes or faulty Lights, which might cause the collision.

Apart from these, bumpy and slippery roads might also be an invitation to an accident. Whatever the cause may be, road accidents have always invited the attention of Investigating Officers.

Certain important aspects to be ascertained in such an event are :—

- a. that whether the accident has actually taken place or not. This is significant because what appears to be an accident may be a means to conceal some other crime.
- b. the identity of the vehicle in a "hit and run" case
- c. the main cause of the accident
- d. the magnitude of damage and number of casualties which provide important clues.

Evidences

The main basis of investigating a road accident is a re-construction of the whole scene by factors like positions, distances, speeds, fragments left by the vehicle and the statement of eyes-witnesses, if available. The following possible sources may be looked for as clues :

- i. Hair, fabric imprints, bloodstains of the victim
- ii. Broken parts of the vehicle or object hit
- iii. Paint fragments, broken glasses, specially if it is a "hit and run" case
- iv. Mechanical failure of the vehicle
- v. Track Marks and Tyre Marks
- vi. Skid marks
- vii. Sometimes, the alcoholic content in the body of the driver may provide an important clue.

Line of Investigation

In collecting evidences in a collision case, nothing is too minute to be left out. Even dust and dirt particles from the scene of occurrence play an important role. One must keep in mind that in collecting physical clues time plays an important part-it should be done as soon as possible. A possible line of investigation should be as follows :

A. Photography

It must be remembered that speedy action is required if photographs are to be taken, since bodies of the victims are removed as soon as possible to the hospital or morgue and the cars involved are moved to clear traffic.

Roadway Scene

It is always better to take as many photographs as possible, showing every thing relevant to the accidents—from the condition of the vehicle, to the state of objects which have been struck. The following possible photographs are recommended to be taken in case of an accident.

It is important to show the condition of the car and its relation to objects which have been struck as soon as possible after the accident and before the cars involved are moved away.

*Courtesy of the Pittsburgh, Pennsylvania
Police Department*



Figure 1

a. Over-all-view

An over-all-view of the vehicles in the position in which they were found immediately will be of immense help. (Figure-1). Photographs should be taken from different angles, in order to give a better idea of the scene.

b. Exact Location

Another important photograph is of the exact location of collision. Although vehicles tend to move after colliding, this position can be estimated from statements of witnesses, debris lying in the roadway, tyre marks etc.

c. Neighbourhood/Surrounding

These photographs must be taken from a distance or from a high point to give complete picture of the surrounding i.e. the road/street as a whole, which will also show the possible traffic hazards in the vicinity. Special attention should be given to curves and blind corners.

Driver's view

It is good practice to take photographs as from the 'driver's seat' i.e. the view available to the driver immediately prior to the accident. Such photographs should be taken keeping in the mind that the height of the camera should correspond to the height of the driver's eye and the axis of the camera should be parallel to the roadways, along the approaches to the scene.

Eyewitness view

This is conditional, depending upon the availability of eyewitnesses. If possible a photograph should be taken of the accident according to his/her version.

Vehicle Photographs

Such photographs, which show the magnitude and the area of damage, licence plate etc., should be taken. From these conclusions about the force of collision, speed of impact are possible. (Figure—2)



A close-up made to show detail concerning extent of damage.

*Courtesy of the Louisville, Kentucky,
Police Department*

Figure 2

Tyre Marks

The photographs of the tyre marks enable in the identification of the vehicle and its directions. For this purpose a length of the tyre track is selected which shows the pattern clearly. Tyre track photographs show the direction of travel.

Skid Marks

These enable these expert to determine the approximate speed of travel when the brakes were first applied. Photographs are to be taken end-on to show the direction of the vehicle, and sideways to show the length. (figures—3)



Figure 3

Hit and Run

In such cases, identifying the missing vehicle becomes a problem. All evidence found on the scene, on the injured person and on any suspect vehicle, should be photographed. Due importance should also be given to minor aspects, like paint fragments found at the scene of accident, imprints of fabric weave of clothes worn by the victims on the collided part of vehicle etc. (figures—4,5 and 6).



Courtesy of the Denver, Colorado, Police Department.

Evidence in a hit-and-run case. The door handle, broken off at the spindle by the force of the collision, was found at the accident scene. The two views shown here establish the fit of the handle with the broken spindle found on the suspect vehicle.

Figure 4

(Left) Close-up of fabric weave of trousers worn by victim of hit-and-run accident. (Right) Rim of broken headlight of suspect car showing pattern which matched the weave in fabric of victim's trousers.

Courtesy of Walter B. Carrol, Great Falls, Montana

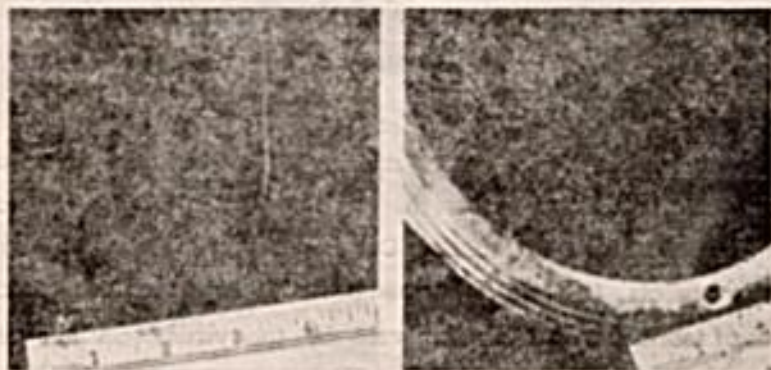


Figure 5



Figure 6

- B. The area underneath and around the vehicle should be examined for physical clues, which are likely to get lost in transit.
- C. It is always handy to record the milometer reading, quantity of fuel etc.
- D. If the vehicle has to be removed from the scene of occurrence due to traffic congestion, other possible clues, should be collected before the vehicle is towed away.
- E. Statements of witnesses, if available should be recorded and efforts should be made to reconstruct the scene according to their version.
- F. The ownership of the vehicle should be ascertained which is involved in the collision.
- G. The victim as well as the driver should be medically examined. The injuries suffered in the case, traces of alcohol or narcotics can lead to important conclusions.

- H. Any possibility or 'resuscitation' i.e. deliberately changing the authenticity of the vehicle should be looked for. It is quite possible that the serial number, chasis number etc., may be changed, specially if the vehicle involved in the collision has been stolen.
- I. In case of a "hit and run" event, paint fragments, tyre patterns, left over objects should be collected as soon as possible.
- J. An experienced mechanic or an engineer should be made to inspect the general condition of the vehicle to locate any mechanical defects.

The search for clues should not be confined to the premises alone. The investigating officer should invariably look for traces of vehicles in the neighbourhood of the crime. The marks of the vehicle that cannot be accounted for by the ordinary traffic having business at the scene if discovered, should be noted as having a possible connection with the crime.

In a nut shell important phases of investigation of a road accident are the techniques used by the investigator in establishing the fact that the accident reported is a bonafide one, in apprehending the person responsible and in gathering the collating statements of facts, circumstances and clues necessary FOR THE PROSECUTION OF THE CRIMINAL.

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Road Traffic Accidents

(Medical Aspects)

Accidents especially road traffic accidents are a major cause of death and disability both in developed as well as in developing countries. WHO defines accidents as "an event independent of human will, caused by an outside force acting rapidly which results in physical or mental injury". Accidents are part of the price we pay for our technological progress.

Road traffic accidents (RTA) are almost an epidemic in developed countries, ranking as third in order amongst the leading cause of death after Cardiovascular diseases and Cancer. In developing countries where the deaths due to infectious diseases are decreasing, there is a steady increase in deaths due to road accidents. In India, in 1978 deaths reported from accidents were 1,18,594, of which road accidents accounted for 13%.

On an average over 1000 deaths occur every day on the road worldwide. In India, where the number of vehicles per person is much lower, the death toll due to road accidents is 10-15 times more than that in USA or UK. Cities of Delhi, Bombay and Bangalore lead in number of casualties per 1000 vehicles, the highest in cities of world. Other cities are fast catching up.

The problem is increasing alarmingly with the increase in population, increase in vehicles and rapid urbanisation in the country. For every person killed, 10-15 receive grievous injuries and 30-40 receive minor injuries. Road accidents are responsible for 30% of all deaths in young person of 15-25 age group ; more deaths in males than females.

Causes of Road Accidents

- o Excessive speed-overcrowded roads.
- o Defective roads and speed breakers.

- o Poor street lighting.
- o Defective and poorly maintained vehicles.
- o Disregard of road signs (poor civic road sense).
- o Fatigue of drivers esp truck and bus drivers.
- o Alcoholism, fast moving modes of transport.
- o Unusual behaviour of men and animals on roads.
- o Easy availability of driving licence/unlicenced drivers. Almost 90% of causes are attributable to human failures.

The Only Way

The only way of prevention of accidents is education to all citizens on all aspects of road safety. "If accidents is a disease, education is its vaccine". Education need to be imparted at home schools, colleges, factories and every other available forum. Factors causing accidents must be eliminated. Proper training of drivers with stringent tests for licences, traffic control, properly maintained vehicles, speed limits, road markings etc.

Care of the wounded

Immediate attending on to the injured person by any one on the spot. Most important is stopping the bleeding by :—

- o Applying a tourniquet above the site of injury.
- o Applying pressure bandage at the site.
- o In case of head injury, keeping the head low.
- o Maintain air way and keep Breathing going by artificial mouth to mouth breathing.
- o Splint the fractured legs and arms with help of any flat piece of wood, tin or plastic available on the site.
- o Speedy and comfortable evacuation to the nearest hospital for life and limb saving treatment. The Military hospitals have instructions to attend to any casualties irrespective of his entitlement.
- o Inform Civil police and other administration as well as relatives of the person.

A well organised and rehearsed trauma service in a hospital goes a long way in providing emergency services to the injured. In Military Hospitals there is a SOP (Standard Operating Procedure) by which the patients are treated on pre-determined lines in a systematic manner so that important points are not missed. The most important is the resuscitation of the injured at the site of accident. If a patient reaches the hospital in time, immediate measures are taken to prevent fatality. The SOP includes physical examination by a system of check list-(the anatomical)region-wise. Triage is carried out by which patients are segregated and given priority depending upon the stage of shock. Those require resuscitation are on higher priority than those requiring surgical procedure only. Inj Tetanus toxoid is given to all. The injured person requiring suturing is sent to the operation theatre and the shocked patients are monitored regularly by the following measures :—

- o Intravenous life line is set up
- o Central venous catheter is inserted for taking blood samples as well as for monitoring central venous pressure.
- o Catheter is inserted in the bladder for drainage of urine.
- o Core/peripheral temp is measured.
- o ECG monitoring is done by cardioscope which monitors the heart rate and blood pressure.

Depending upon the type of injury the patient is further managed by General Surgeon, Neuro-Surgeon, Gastro-intestinal Surgeon or Orthopaedic Surgeons and so on.

Strict enforcement of legal and regulatory measures is done by the following :

- o Speed limit for different vehicles in different areas.
- o Compulsory use of helmet on two-wheelers, safety belts by car passengers.
- o Checking of blood alcohol levels in drivers.
- o Regular inspection of vehicles.

The above measures will go a long way in reducing the menace of road accidents and prevent loss of precious lives.

Causative Study of Accident Contributing Factors

- RASH AND NEGLIGENT DRIVING.
- WAYS AND REASONS.
- POST ACCIDENT PROBLEM.
- POLICE PROCEDURE.
- MEDICO LEGAL

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Road accidents have been proved as one of the top killers in India as well as whole of world. The alarming increase in the proportion of the road-Traffic Accidents in India has become a national concern. It is our experience that the vehicular traffic on the roads is increasing day by day due to increase in the number of vehicles. As compared to the earlier years different types of vehicles (both heavy and light) have been increased to a substantial extent. In spite of various rules, regulations, and preventive measures the accident rates are increasing.

2. Reasons and Characteristics

Increase in the number of vehicles as well as bad road conditions has resulted in the increase in the accident rates. With an excessive escalation of automobile accidents resulting in more number of death than the most deadly diseases and with the result that the poor who are by and large the casualty in most of those cases suffer loss of life or limb and are deprived of expeditious legal remedies.

In a case reported in 1979 AIR S.C. P. 855, the Hon'ble Supreme Court of India observed that 'It is a notorious fact that our highways are graveyards on a tragic scale, what with narrow neglected roads, reckless, unchecked drivers, heavy vehicular traffic and state transport buses often inflicting the maximum casualties'.

Some typical characteristics of road accidents in India, as compiled by a particular study group are enumerated at under :—

- (i) Heavy vehicles like trucks and buses account for 45% of total road accidents.
- (ii) (a) 60% of above accidents involve ONE vehicle.
(b) 35% involve TWO vehicles.
(c) 5% occur at Railway level crossings.
- (iii) In urban areas 80% of the road accident fatalities are pedestrians, two wheelers and cyclist.
- (iv) National highways network account for, 25% of accidents, 34% fatalities and 28% of injuries.
- (v) Estimated financial loss due to the road accidents in 1983 was approximately Rs. 257 crores, which was escalated to 1600 crores in 1991. This was around 1% of India's G.D.P.
- (vi) Every 10 minutes a person dies in road accident some where in the country.
- (vii) More than 60,000 people died in road accidents and 3,00,000 injured in 1991 in India.
- (viii) Our country has the unfortunate distinction of registering the highest number of fatal accidents per 1000 vehicles in the world.—5.9.

Comparative Statistical Data

As per the available statistics, India has the highest incidence of road accidents in the world resulting in both fatal and non-fatal injuries. Many advanced countries in the world though have a large number of vehicle population but the rate of accidents and fatalities per thousand vehicles is much lower as compared to India.

A comparative table as under provides an indication:—

Sl. No.	Name of Country	Accidents per thousand vehicles	Fatalities per thousand vehicles	Fatalities per thousand accidents
1.	INDIA	31.80	5.90	163.00
2.	U. K.	14.00	0.39	24.00
3.	U.S.A	12.20	0.33	25.00
4.	JAPAN	9.80	0.20	18.00
5.	FRANCE	8.70	0.40	50.00
6.	AUSTRALIA	3.11	0.39	125.52
7.	BRAZIL	1.38	0.32	229.51

The above statistics show that India figures second with 163, next to Brazil with 229 deaths per one, thousand accidents.

A comparative picture of road accidents in four metropolitan cities in India can throw some light on increase in the accident rates :

ROAD ACCIDENT DEATHS IN 1992

CITY	DEATHS	
DELHI	1700	----- Highest
BOMBAY	450	
MADRAS	550	
CALCUTTA	500	----- Low

1. Increase in Vehicle Population

It is a fact that vehicle population has grown tremendously and road infrastructure lagged behind. The proportionate increase in different types of vehicle is alarming and traffic density of vehicle per kilometre of road increased from 5 in 1980 to 9 in 1990. This has clearly supported the fact that infrastructure has failed to keep pace with vehicle population.

This congestion obviously has resulted in increase in road accidents per Kms. of surface road.

According to a study report more than 700 new vehicles come on to the roads daily, one in every two minutes. Delhi has more vehicles on its road than Bombay, Madras and Calcutta.

Preventive Measures

In order to cope with the rapid growth of the vehicle population, the mechanism of provision of adequate road infrastructure and maintenance thereof should be geared up. Even though the gravity of the situation is well understood, marked improvement has not come quickly due to lack of funds. So far Govt. is entrusted with the task of construction and maintenance of road infrastructure, which is unable to cope with the situation due to inadequacy of funds. It should be examined to rope in the Private Sectors to invest in this Sector since this has become a national concern.

2. Rash & Negligent Driving-Ways & Reasons

As per the available data the main factors responsible for road accidents in India is due to rash and negligent driving on the part of the drivers of the Motor vehicles. 95% of the accident is the result of rash and negligent driving. Several factors are responsible for reckless driving. The factors are procedure on Issuance of D.L., Intoxication whilst driving, Lack of professionalism, lenient punishment for traffic violation, non-observ-

ance of traffic regulation/rules. Bad Road Conditions, mental/psychological condition of the drivers.

In order to arrest the trend of reckless driving the following measures may be considered :

(1) Driving Licence

(a) Issuance of driving Licence should be strictly regulated. Though several amendments have been effected in the M. V. Act in this regard, no fruitful result has been achieved. Stringent measures such as stricter scrutiny while issuing D. L. should be adopted. True professionalism in grant of licence to drive Motor vehicles especially in case of Commercial vehicles should be considered. Periodic driving tests in case of professional drivers as well as to acquaint them on various traffic rules/regulations should be implemented.

(b) Temporary Suspension/Disqualification of D. L.

In case of any accident due to rash and negligent driving on the part of any driver, temporary suspension or disqualification of the D.L. may be considered by the appropriate authority. This will help in amending the behaviour of the person in future and make the person more careful. The provision u/s. 19 of the M. V. Act 1988 should be strictly enforced as regards disqualification of the D.L. is concerned.

(c) Intoxication Whilst Driving

Disqualification on the ground of intoxication or if there is sufficient proof that the driver was drunk at the material time should be strictly enforced.

2. Non observance of Traffic Regulation

Non-observance of traffic regulation by the driver is one of the factors responsible for road accidents in India. For this, apart from necessary publicity, lessons/coaching should be imparted to the drivers at selected centres to acquaint them regarding observance of different traffic rules and regulations. By this a large number of accidents can be avoided.

3. Punishment for Reckless driving and Traffic Violations

(a) The present provision for rash and negligent driving as well as causing death due to negligent Act as envisaged us. 279 and 304 (A) IPC is inadequate. It is seen that immediately after the accident the delinquent driver is getting bail from the Police

Station and again in the next moment driving the vehicle. Since the offence is bailable, necessary enactment should be considered to make the provision more stringent and strict.

(b) It is our experience that in most of the cases the Criminal Courts findings ended in acquittal of the driver in contrary to the findings of the MACT. But the MACT has no power to punish the drivers apart from award of compensation. Serious thinking be given for exemplary punishment to drivers after findings of MACT.

(c) As there is compulsory insurance of the Motor Vehicles under the provision of Sec. 146 of M.V. Act and unlimited liability in respect of bodily injury and death has been undertaken the owner and driver have the little responsibility in this regard. As Insurance Company is to ultimately pay the awarded amounts by the MACT, owners/drivers are not contesting the claim in most of the cases. In order to have same responsibility there should be some provisions in the Act to make the owner/Insured/driver liable to certain extent. For this owner/employer will also become cautious in employing proper/efficient drivers.

Post Accident Problems

Post accident problems are also worthwhile to be considered.

(a) Police Procedure

As discussed supration receipt of information from any of the sources, the Police authorities should immediately conduct investigation. It is observed that delayed investigation has always resulted in tampering in evidences. Punishing the guilt (driver) is only envisaged under the IPC and this duty is entrusted with the Criminal Courts. All possible attempts/endeavour should be made to punish the guilty driver.

(b) Even after acquittal by the Criminal Court if the MACT comes to a conclusive findings regarding rash and negligent driving on the part of the driver, certain punishment like disqualification/temporary suspension of D.L. of the concerned driver may be considered by the appropriate authorities.

(c) Strict compliance of Sec. 158 (6) and Sec. 160 of the M.V. Act 1976 should be implemented.

(d) For enforcement of relevant traffic rules necessary vigilance is required on the part of the law Enforcing authorities.

- (e) The investigation procedure in respect of accident cases should be time bound so that relevant particulars can be revealed which will facilitate in prompt settlement of claim.
- (f) Necessary documents FIR/Final Police Report/D.L particulars/ Insurance particulars should be made available to the Insurer for prompt settlement.

Medico and Legal

1. At present the Hospitals/Nursing Home are not entertaining the victims in injury cases for treatment. However, in view of judgement of Supreme Court in this regard for treatment of victims of road accident on priority basis is worthwhile. For this statutory provisions may be made.

Legal

1. At present the trial proceedings in respect of road accident victims are conducted by the MACT's. Due to various reasons as the proceedings is time consuming resulting in delay in award as well as Interest liability on the Insurance Company, the proceedings should be made time bound.
2. As ultimately Insurer pays the amount of compensation under the award and in view of coverage of unlimited liability as well as liberal interpretation of the Act provisions, Insurer should be allowed to contest the claims raising all points other than the statutory defences u/s. 149 of M.V. Act.
3. As there is no hard and fast rule for assessment of compensation and it is our experience that it varies from place to place which sometimes results in imbalances. For this structured compensation and/or assessment in pattern with W.C. Schedule may be considered.
4. As out of court/compromise settlements through Lok Adalat/ Conciliatory process have been proved to be effective, necessary enactment may be made to give statutory shape of these medias.

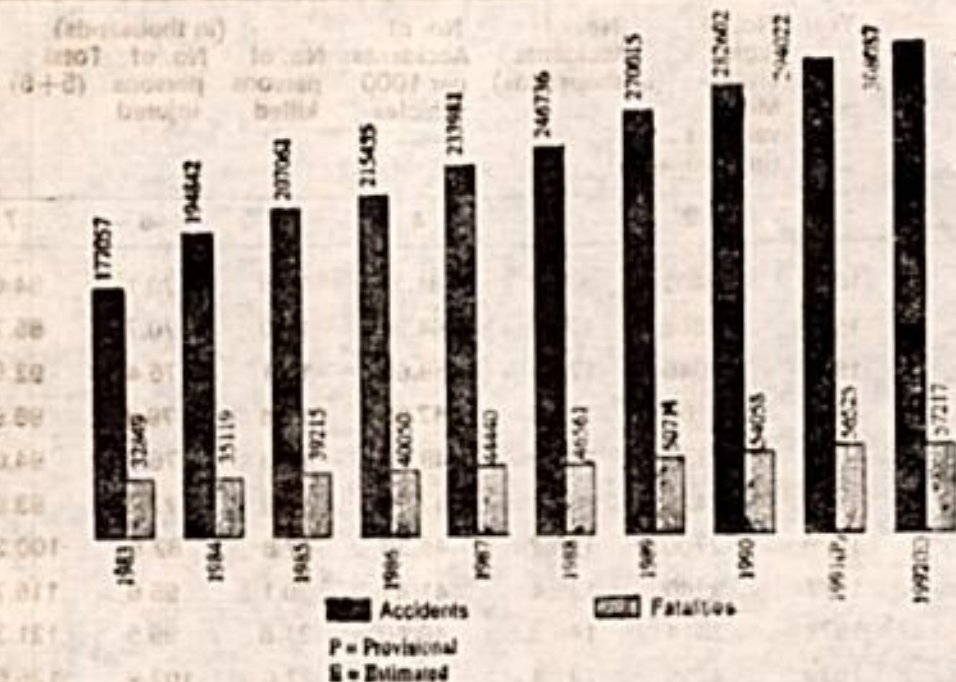
Road Accidents in India

Year	No. of registered Motor vehicles (in thousands)	No. of Accidents (in thousands)	No. of Accidents per 1000 vehicles	(in thousands)		
				No. of persons killed	No. of persons injured	Total (5+6)
1	2	3	4	5	6	7
1970	1401	114.1	81.37	14.5	70.1	84.6
1971	1865	120.2	64.34	15.0	70.7	85.7
1972	2045	122.3	59.66	16.1	76.4	92.5
1973	2109	121.6	57.85	17.6	79.3	96.9
1974	2327	114.3	48.99	17.3	76.7	94.0
1975	2472	116.8	47.33	16.9	77.0	93.9
1976	2700	124.7	46.30	17.8	82.5	100.3
1977	3260	135.4	41.41	20.1	95.6	115.7
1978	3614	146.3	40.40	21.8	99.5	121.3
1979	4059	141.4	35.48	22.6	102.9	125.5
1980	4514	153.2	33.89	24.6	109.1	133.7
1981	5173	161.2	31.12	28.4	114.0	142.4
1982	5844	166.2	28.40	30.7	126.0	156.7
1983	6905	177.0	25.63	32.8	134.1	166.9
1984	7783	195.0	25.05	35.1	156.2	191.3
1985	9097	207.0	22.75	39.2	163.4	202.6
1986	10490	215.5	20.54	40.0	176.4	216.5
1987	12539	234.0	18.66	44.4	189.0	234.2
1988	14733	246.7	16.74	46.6	214.8	262.0
1989	16920	270.0	15.96	50.7	229.7	279.4
1990	19177	282.6	14.76	54.1	244.1	298.2
1991 (P)	21310	294.0	13.80	56.5	255.3	311.8
1992 (E)	23000	308.0	13.30	57.0	260.0	317.0

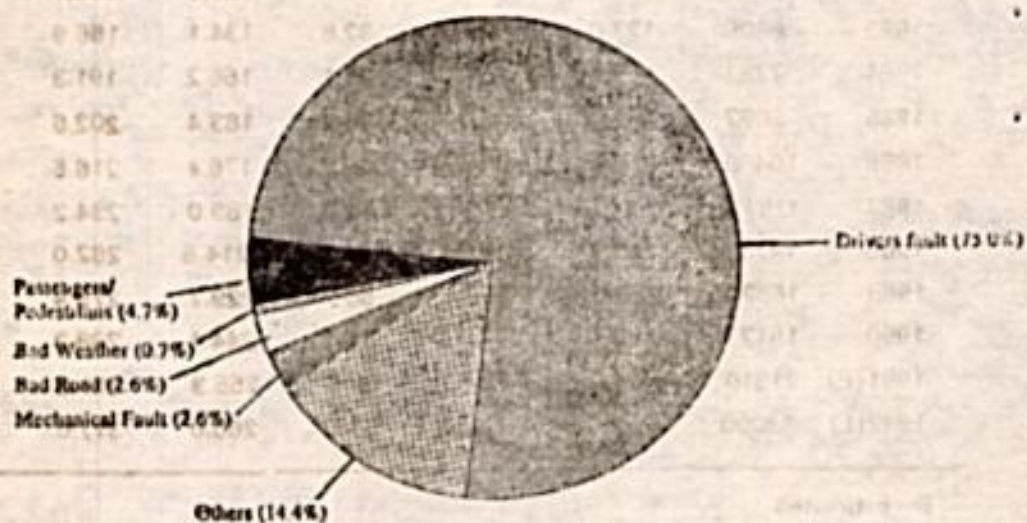
E— Estimated

P— Provisional

No. of Road Accidents and Persons Killed in India (1983-92)



Causes of Accidents (1990)



NO. OF ROAD ACCIDENTS IN INDIA DURING 1983- 1992 (STATE-WISE)

State/UTs	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
1. Andhra Pradesh	9746	11507	11306	11635	13996	13712	13423	16042	17633	19126
2. Arunachal Pradesh	100	104	104	156	154	151	239	233	213	136
3. Assam	390	926	1725	1907	1718	1875	1956	1762	1899	2141
4. Bihar	7087	6382	7192	8060	8759	9890	9552	9357	9776	9776(R)
5. Goa	1323	1523	1557	1594	1758	1820	1813	2205	2418	1727
6. Gujarat	13814	16248	16514	17920	19124	22146	23823	25495	27140	27140(R)
7. Haryana	2016	2203	2571	2587	3315	3898	5358	5096	4867	5196
8. Himachal Pradesh	551	593	653	781	831	909	1060	1123	1269	1276
9. Jammu & Kashmir	2051	2027	2456	2476	2899	3494	3615	2326	2451	2472
10. Karnataka	13357	14905	14700	16012	17507	18688	20902	21992	22438	24700
11. Kerala	9347	9624	10451	11356	12720	14327	16762	20247	23985	26168
12. Madhya Pradesh	12024	15422	16751	16860	19203	19648	20265	23492	26406	29674
13. Maharashtra	44975	48439	51635	54667	55859	59094	59045	56982	58378	58620
14. Manipur	201	203	248	209	365	433	430	472	395	489
15. Meghalaya	291	418	389	257	330	304	646	540	550	392
16. Mizoram	44	43	53	87	75	111	398	80	87	72

17. Nagaland	124	143	129	151	163	265	263	237	111	58
18. Orissa	5005	4891	4962	5064	5434	5167	5737	6069	6177	6106
19. Punjab	1071	991	1160	1246	1376	1482	1622	1621	1581	1581(R)
20. Rajasthan	3946	4623	5383	5724	6961	6423	9993	10456	11046	12288
21. Sikkim	41	67	74	95	92	120	105	115	137	157
22. Tamil Nadu	21637	23393	24580	23247	27722	28381	32962	34634	32522	35210
23. Tripura	226	332	304	308	327	373	449	408	371	429
24. Uttar Pradesh	10129	11673	12753	14151	13025	13367	16063	16318	16864	17214
25. West Bengal	11473	11656	12337	11623	11188	10635	15046	16375	16041	16041(R)
26. Islands	94	140	117	111	103	144	124	144	86	72
27. Chandigarh	161	172	255	232	247	253	277	250	277	300
28. Dadar Nagar Haveli	29	35	40	41	67	88	61	79	50	50
29. Delhi	5477	5809	6254	6547	6238	6716	7192	7697	8065	8475
30. Daman & Diu	0	0	0	0	0	41	66	91	67	82
31. Lakshadweep	0	1	0	1	0	3	5	2	0	2
32. Pondicherry	327	349	367	385	420	578	663	662	724	839
Total	177037	194812	207061	215455	233981	246736	270015	282602	294022	300037

No. OF PERSONS KILLED IN ROAD ACCIDENTS IN INDIA DURING 1983-1992 (STATE-WISE)

State/Uts	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
1. Andhra Pradesh	3120	3793	3509	3704	3835	4091	4458	5211	5598	5700
2. Arunachal Pradesh	54	45	52	110	135	95	59	97	83	100
3. Assam	408	399	803	722	757	881	895	904	867	900
4. Bihar	1481	1456	1645	1774	3351	2401	2183	2151	2304	2300
5. Goa	116	145	128	145	129	161	169	174	177	180
6. Gujrat	2241	2457	2663	2751	2796	2973	3509	3722	3979	4000
7. Haryana	832	825	985	1134	1294	1587	1819	1969	1916	1800
8. Himachal Pradesh	201	286	311	362	416	386	469	465	414	370
9. Jammu & Kashmir	336	292	394	303	467	563	491	371	392	400
10. Karnataka	2340	2498	2695	2826	2960	3168	3655	3901	3979	4000
11. Kerala	1419	1515	1547	1495	1717	1653	1737	1793	1803	1900
12. Madhya Pradesh	2828	2418	3223	2516	2608	2649	2709	2793	3398	3600
13. Maharashtra	3558	3751	4373	4438	4631	5133	5785	5427	6160	6200
14. Manipur	16	31	36	35	80	108	129	106	111	85
15. Meghalaya	60	155	99	87	104	87	98	133	129	150
16. Mizoram	44	36	31	39	50	53	38	38	29	28

17. Nagaland	41	42	41	58	50	60	42	64	57	1350
18. Orissa	659	737	790	939	947	1038	1171	1193	1390	1200
19. Punjab	652	505	710	617	819	908	819	1133	1141	3900
20. Rajasthan	1347	1589	1944	2131	2350	1893	3023	3465	3736	50
21. Sikkim	23	37	30	35	29	49	38	25	34	6500
22. Tamil Nadu	4163	4511	5060	4903	5139	5791	6299	6663	6406	105
23. Tripura	43	92	67	92	82	113	136	113	95	7900
24. Uttar Pradesh	4154	4516	4872	5597	6078	6723	7111	7639	7806	2600
25. West Bengal	1439	1645	1765	1770	2174	2286	2094	2600	2559	—
26. Islands	11	12	15	18	15	12	15	17	5	10
27. Chandigarh	39	31	79	84	64	91	76	80	72	50
28. Dadarnagar Havell	7	7	7	7	18	13	10	18	11	10
29. Delhi	1156	1239	1269	1276	1271	1474	1583	1670	1820	10
30. Daman & Diu	0	0	0	0	0	7	9	16	7	1675
31. Lakshadweep	0	0	0	0	0	0	0	0	0	—
32. Pondicherry	36	44	52	57	74	104	82	106	107	110

Total 32849 35119 39215 40050 44440 46561 50711 54058 56325 57217

NO. OF PERSONS INJURED IN ROAD ACCIDENTS IN INDIA DURING 1983-1991 (STATE-WISE)

State/UTs	1983	1984	1985	1986	1987	1988	1989	1990	1991
1. Andhra Pradesh	7498	9189	9509	10576	11607	12836	14207	17356	17545
2. Arunachal Pradesh	167	260	146	186	369	184	307	578	428
3. Assam	513	1164	1620	2565	2219	2621	2459	2551	2589
4. Bihar	2442	2916	3246	3639	5333	5065	2347	2067	2067
5. Goa	1013	1231	1504	1516	1502	621	1644	1687	1683
6. Gujarat	13732	17081	17531	17493	17206	20681	25673	25673	25673
7. Haryana	2059	2627	3680	3372	3682	3991	4616	4452	4452
8. Himachal Pradesh	570	660	1349	1517	1620	1427	2008	2225	2308
9. Jammu & Kashmir	1629	2046	2527	2526	2835	3000	3089	2393	2504
10. Karnataka	13567	14409	10527	17202	19617	21461	23734	25938	25938
11. Kerala	8934	12342	14502	15044	17507	19346	23000	26996	31831
12. Madhya Pradesh	13456	16061	15704	13776	16717	18175	18243	19368	22065
13. Maharashtra	20923	22302	26759	27879	27149	33472	36145	32787	34943
14. Manipur	212	216	206	277	498	603	583	765	506
15. Meghalaya	361	664	410	366	362	347	679	524	589
16. Mizoram	290	237	102	105	125	393	166	101	99

17. Nagaland	99	145	195	150	259	54	192	209	118
18. Orissa	4224	4565	4615	4778	5232	6463	6918	6428	6859
19. Punjab	928	725	836	901	864	1058	994	1322	1322
20. Rajasthan	3946	4623	5481	5977	7207	9417	10681	11554	12550
21. Sikkim	95	115	143	204	193	225	197	155	239
22. Tamil Nadu	19425	21411	20786	22994	22072	26285	26640	29523	29538
23. Tripura	298	310	475	548	668	596	599	745	665
24. Uttar Pradesh	5616	7687	8120	8943	11392	11870	10236	12571	12870
25. West Bengal	6006	6766	6426	6582	6480	5893	4933	7048	7048
26. Islands	147	134	100	121	118	173	129	182	135
27. Chandigarh	170	172	218	168	204	194	214	191	155
28. Dadar Nagar Haveli	43	71	56	51	93	85	90	119	61
29. Delhi	5463	5766	6366	6388	6308	6830	7378	7883	7883
30. Daman & Diu	0	0	0	0	0	33	58	88	88
31. Lakshadweep	0	2	0	2	0	3	5	2	0
32. Pondicherry	286	329	303	392	382	589	707	667	633

TOTAL 134112 156224 163444 176433 189920 214791 229671 244148 255384

**ROAD ACCIDENTS & PERSONS KILLED IN INDIA (ROAD-WISE)
DURING 1983—1991**

Year :	National Highways :		State Highways :		Other Roads :		Total	
	Acci- dents	Persons killed	Acci- dents	Persons killed	Acci- dents	Persons killed	Acci- dents	Persons killed
1983	45135	10592	44701	10505	87221	11752	177057	32849
1984	55297	11744	49865	11296	89680	12079	194842	35119
1985	58482	12496	52060	11766	96519	14953	207061	39215
1986	54632	12418	56292	12373	104531	15259	215455	40050
1987	58113	13485	63659	13067	112209	17888	233981	44440
1988	63646	14660	64847	14623	118243	17278	246736	46561
1989	72562	17324	72469	16562	124984	16825	270015	50711
1990	76400	19147	69065	16526	137137	18385	282602	54058
1991	58632	14295	54933	12582	180457	29648	294022	56525

ROAD ACCIDENTS & PERSONS KILLED IN INDIA (VEHICLE-WISE) DURING 1983-1991

(156)

Year	TYPES OF VEHICLES										Total							
	Trucks		Buses & Mini Buses		Other Heavy Vehicles		Car/Jeeps & Taxis		Three Wheelers			Two Wheelers		Vehicles not known		Acci Persons Killed		
	Acci- dents Killed	Persons Killed	Acci- dents Killed	Persons Killed	Acci- dents Killed	Persons Killed	Acci- dents Killed	Persons Killed	Acci- dents Killed	Persons Killed		Acci- dents Killed	Persons Killed	Acci- dents Killed	Persons Killed			
1983	9488	33004	6925	15025	3578	34334	3493	12966	1603	21549	3146	5228	1000	9520	3616	177057	32849	
1984	49126	10503	34847	7474	15485	4223	39302	3982	14767	1729	23729	3375	5301	1091	12285	2742	194842	35119
1985	53817	12049	37283	8359	18126	4637	37634	4031	15414	1562	26874	3648	6225	1458	11688	3471	207061	39215
1986	90865	12129	38736	8476	19289	4659	37737	4376	15846	1868	30308	3631	7303	1774	15339	3137	215423	40050
1987	53807	11533	37451	9277	18526	5115	39176	4424	18326	2048	34231	3665	8945	2141	23519	6217	233981	44440
1988	52831	11367	41981	10270	21477	5836	40337	4567	18027	1685	37282	4816	7956	2160	26845	6062	246736	46561
1989	59609	14179	46163	10658	22884	5937	47063	6433	20859	2247	37881	4094	9958	2884	25348	4279	270015	50711
1990	56295	13810	43275	9948	21614	5419	41920	5874	18709	1718	39594	5615	10439	2478	30758	9196	282602	54058
1991	43317	11202	28491	6792	14600	3830	30999	3784	13231	1029	24769	2436	3042	1601	133373	26331	294022	56329

ROAD ACCIDENTS & PERSONS KILLED IN INDIA (CAUSE-WISE) DURING 1983-1991

C A U S E S

Year	Drivers fault	Passenger's fault	Bad weather	Bad Road	Mechanical fault	Pedestrian's fault	Others	Total								
Acci- dents Killed	Persons Killed	Acci- dents Killed	Persons Killed	Acci- dents Killed	Persons Killed	Acci- dents Killed	Persons Killed	Acc- dents Killed	Persons Killed							
1983	112288	24496	6016	1132	2795	587	4054	502	8969	1302	9894	1057	33141	3791	177057	32849
1984	125332	26084	6071	1263	2780	539	4414	749	9831	1633	10693	1088	35721	2963	194842	35119
1985	141770	29418	6407	1403	3409	755	4529	770	8116	1744	8888	1349	33942	3776	207061	39215
1986	151419	31209	6488	1413	2814	526	4906	720	7320	1611	8775	1269	33733	3302	215455	40050
1987	164337	33913	8404	1095	1928	510	4144	609	7915	1623	10024	1216	37179	5474	233981	44440
1988	177017	36463	6590	1506	1728	549	6728	1071	8272	1933	8455	1324	37966	3681	246736	46361
1989	200739	41754	8775	1458	2101	512	6341	903	7737	1709	8869	1095	35433	3280	270015	50711
1990	189408	39709	5414	1004	1904	309	7076	819	7019	1250	7038	880	64743	10067	282602	54058
1991	138085	28096	3430	346	707	271	3604	370	4939	895	7182	471	136075	25876	294022	56525

STATE-WISE BREAK-UP OF ACCIDENTS & PERSONS KILLED (ROAD-WISE) DURING 1983

(158)

STATES/UT's	: NATIONAL HIGHWAYS :		: STATE HIGHWAYS :		: OTHER ROADS :		: TOTAL :			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
	Accidents	Persons Killed	Accidents	Persons Killed	Accidents	Persons Killed	Accidents	Persons Killed	Accidents	Persons Killed
1. Andhra Pradesh	3159	1093	3419	1199	3168	828	9746	3120		
2. Arunachal Pradesh	11	2	29	17	60	35	100	54		
3. Assam	187	259	120	123	83	26	390	408		
4. Bihar	2287	564	2012	448	2788	469	7087	1481		
5. Goa	456	45	317	27	550	44	1323	116		
6. Gujrat	3834	584	4402	729	5578	928	13814	2241		
7. Haryana	882	440	657	251	477	141	2016	832		
8. Himachal Pradesh	185	92	164	60	202	49	551	201		
9. Jammu & Kashmir	197	47	1854	289	—	—	2051	336		
10. Karnataka	3414	691	3073	732	6870	917	13357	2340		
11. Kerala	2303	514	2259	342	4780	563	9347	1419		
12. Madhya Pradesh	2271	449	4437	589	5316	1790	12024	2823		
13. Maharashtra	8716	1247	4526	818	31733	1493	44975	3558		

14.	Manipur	104	8	61	6	36	2	201	16
15.	Meghalaya	160	39	70	30	61	11	291	80
16.	Mizoram	—	—	11	5	33	39	44	44
17.	Nagaland	32	21	73	19	19	1	124	41
18.	Orissa	2068	260	1381	213	1554	186	5003	639
19.	Punjab	296	174	184	112	601	366	1071	632
20.	Rajasthan	1465	405	947	340	1534	602	3946	1347
21.	Sikkim	11	9	17	6	13	8	41	23
22.	Tamil Nadu	7313	1395	8363	1718	5961	1050	21637	4163
23.	Tripura	140	29	65	15	23	4	228	48
24.	Uttar Pradesh	3035	1566	3921	1900	3173	683	10129	4154
25.	West Bengal	1974	507	1461	360	8108	572	11473	1439
26.	A & N Islands	—	—	—	—	94	11	94	11
27.	Chandigarh	161	36	—	—	—	3	161	39
28.	Dadar Nagar Haveli	—	—	—	—	29	7	29	7
29.	Delhi	549	116	573	121	4355	919	5477	1156
30.	Daman & Diu	—	—	—	—	—	—	—	—
31.	Lakshwadeep	—	—	—	—	—	—	—	—
32.	Pondicherry	—	—	305	36	22	—	327	36
All India Total		45135	10592	44701	10505	87221	11752	177057	32849
Percentage to Total		25.49	32.24	25.25	31.98	49.26	35.78	100.00	100.00

*WORLD ROAD ACCIDENTS PER THOUSAND VEHICLES

Y E A R S

COUNTRIES	1982	1983	1984	1985	1986	1987	1988	1989	1990
1. Japan	8.97	8.89	8.37	8.58	8.68	8.61	8.66	9.01	8.51
2. Korea	95.44	90.89	84.09	80.06	72.47	68.73	72.06	N.A.	N.A.
3. Pakistan	26.88	20.40	18.58	20.60	N.A.	N.A.	N.A.	N.A.	N.A.
4. India	28.40	25.63	25.06	22.86	20.50	18.53	16.70	15.81	14.76
5. Austria	13.69	13.90	13.39	12.58	11.97	10.48	10.24	10.43	10.22
6. Belgium	14.37	14.61	14.46	13.36	14.23	14.84	14.86	14.60	N.A.
7. France	8.07	7.42	6.91	6.70	6.45	N.A.	N.A.	N.A.	N.A.
8. Germany	12.61	12.82	12.05	10.73	9.96	9.21	9.44	9.21	N.A.
9. G. Britain	13.58	12.75	12.92	12.20	11.81	11.17	10.50	10.78	10.85
10. South Africa	14.27	15.35	15.03	13.59	14.88	15.14	16.22	15.82	N.A.
11. New Zealand	5.24	5.21	5.57	5.90	5.06	5.24	N.A.	N.A.	N.A.
12. U.S.A	11.27	11.26	12.23	11.88	11.72	11.82	11.55	11.77	N.A.

***COMPARATIVE FATALITY IN ROAD ACCIDENTS
IN CERTAIN COUNTRIES PER THOUSAND VEHICLES**

Countries	YEARS														
	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993			
1. Japan	0.16	0.16	0.15	0.14	0.14	0.14	0.14	0.15	0.15	0.14	0.14	0.14	0.15	0.15	0.35
2. Korea	5.74	5.17	4.68	4.10	3.63	2.82	3.70	N.A.	N.A.	2.82	3.70	3.70	N.A.	N.A.	N.A.
3. Pakistan	7.55	6.84	7.33	5.79	N.A.	N.A.	4.05	N.A.	N.A.	N.A.	4.05	4.05	N.A.	N.A.	N.A.
4. India	5.25	4.75	4.51	4.31	3.82	3.53	3.20	2.94	2.94	3.53	3.20	3.20	2.94	2.94	2.82
6. Austria	0.49	0.50	0.45	0.37	0.35	0.31	0.33	0.31	0.31	0.31	0.33	0.33	0.31	0.31	0.31
6. Belgium	0.52	0.52	0.47	0.44	0.47	0.48	0.47	0.46	0.46	0.48	0.47	0.47	0.46	0.46	N.A.
7. France	0.43	0.41	0.40	0.37	0.33	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
8. Germany	0.41	0.40	0.34	0.27	0.25	0.22	0.23	0.21	0.21	0.22	0.23	0.23	0.21	0.21	N.A.
9. G. Britain	0.31	0.28	0.28	0.26	0.25	0.24	0.23	0.22	0.22	0.24	0.23	0.23	0.22	0.22	0.23
10. S. Africa	1.95	1.85	1.86	1.71	1.81	1.85	1.93	1.93	1.93	1.85	1.93	1.93	1.93	1.93	N.A.
11. New Zealand	0.32	0.30	0.30	0.33	0.32	0.32	N.A.	N.A.	N.A.	0.32	N.A.	N.A.	N.A.	N.A.	N.A.
12. U.S.A.	0.25	0.24	0.25	0.23	0.23	0.23	0.23	0.22	0.22	0.23	0.23	0.23	0.22	0.22	N.A.

* Derived from 'World Road Statistics 1986-90' published by International National Road Federation, Washington, (Edition-1991)

उ०प्र० में पढ़ने वाले राष्ट्रीय/राज्यस्तरीय वर विभिन्न जनपदों के वर्ष 1988 से 1992

क्र०सं०	जनपद	वर्ष 1988		वर्ष 1989		वर्ष 1990	
		कुल दुर्घ० की संख्या	मृतकों की सं०	कुल दुर्घ० की सं०	मृतकों की सं०	कुल दुर्घ० की सं०	मृतकों की सं०
		1	2	1	2	1	2
1	सखनऊ	344	103	71	26	114	24
2	उन्नाव	75	47	5	2	5	3
3	रामबरेली	00	00	0	0	0	0
4	सीतापुर	162	57	156	78	147	70
5	धीरी	21	10	37	10	55	31
6	फैजाबाद	121	50	105	47	128	52
7	घोषडा	21	12	11	7	11	7
8	मुल्तानपुर	64	29	98	49	102	65
9	बाराबंकी	113	49	134	83	154	69
10	गोरखपुर	90	78	208	84	212	94
11	बस्ती	67	43	134	103	89	58
12	देवरिया	62	37	94	46	71	52
13	मऊ	0	0	19	12	30	17
14	बाराणसी	251	162	267	230	239	174
15	जौनपुर	39	25	145	67	240	136
16	गार्जीपुर	32	24	52	33	75	48
17	मिर्जापुर	22	25	45	31	11	8
18	कानपुर नगर	456	150	291	87	296	97
19	कानपुर देहात	113	45	115	66	119	62
20	इटावा	136	62	129	48	200	96
21	झाँसी	131	36	97	42	96	41
22	जालौन	0	0	8	4	66	31

Safety of the Vulnerable Road users

By

Dr. DINESH MOHAN*

More than 50,000 persons died on the roads of India in 1990. Many times that number were permanently disabled and it is estimated that more than 5,00,000 were seriously injured. Just one plane crash attracts a great deal of media attention, high level enquiries are instituted and fleets of planes grounded fearing design faults. On the other hand unsafe road designs and vehicles are allowed to proliferate in our environment without much serious thought being given to the possibilities of reducing the ravages caused by the epidemic of road accidents.

1. Increase in Motor Vehicles

According to official statistics the number of road crash deaths in India has increased more than ten fold from 4500 in 1960 to over 50,000 in 1990. In the same period the number of motor vehicles registered in India went up 25 times from about 600,000 to 15,00,000 in 1990, Fig 1. A large proportion of this increase is due to the fact that public transportation has not been given enough importance. While car and motorized two-wheeler MTW riders have been given subsidies in the form of low interest loans for buying vehicles by employers and charged very low road tax rates, not enough has been done to promote public transport. This is why MTW production now is ten times more than cars and seventy times more than buses. This is in spite of the fact that MTW riders are more than 5 times as likely to get killed on the road than car or bus riders, Fig. 2

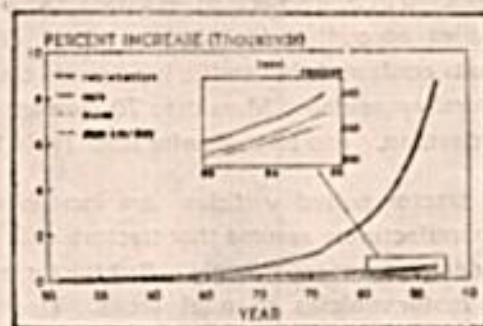


Fig. 1. Per cent increase in vehicles registered and passenger travel (base 1961)



Fig. 2. Fatality rates for different road users data for Delhi 1984.

2. Accidents on Intercity Roads and Rural Areas

Exact figures are not available for accidents in rural areas. But estimates based on government statistics indicate that about one third of all road crash fatalities take place on National Highways and another one third on State Highways. It is possible that only about 25-30 percent of road crash fatalities take place inside cities but these are the ones which attract maximum media attention.

Survey of newspaper reported bus and truck accidents indicate that a large proportion of accidents on intercity roads are single vehicle crashes when they hit a tree, pole, or roll over on the sides of the highways. These data indicate that truck and bus speeds must be controlled with the use of speed-governers. In addition, sides of roads have to be designed and maintained much better so that vehicles do not roll over.

A study conducted in 9 villages of Haryana showed that transportation related injuries accounted for 18 percent of all injuries seen in villages. The results confirmed that traffic injuries are clearly a significant health problem in rural areas also. More than 70 percent of the injured in rural areas were pedestrian, and two wheeler rider Table 1.

Tractor and tractor pulled vehicles are increasingly involved in crashes. Tractor manufacturers assume that tractors will not be used for transportation and design them accordingly. But tractor ownership is far more common than motor vehicles in rural areas. Tractors get used for transportation also-with or without trolleys and they are involved in crashes both on highways and on the farm. It would be much more pragmatic to

accept this as a reality and redesign tractors for safer travel and outfit them with better lights, reflectors and trolley hitches.

3. Urban Accidents

The twelve metropolitan cities of the country account for about ten per cent of all road crash fatalities every year. The fatality statistics in 1986 were 3 :

Delhi	—	1276	Bombay	—	555
Calcutta	—	410	Bangalore	—	397

TABLE 1. DISTRIBUTION OF TRANSPORTATION INJURIES IN 9 HARYANA VILLAGES BY LOCATION OF ACCIDENT AND THE VEHICLE INVOLVED

Mode of Village Transport	Farm road	School road	Home	Canal	Work	Other River Pond	Un-Place	Other	Total known
Bicycle	26	60	1	—	8	—	—	—	94(25%)
Pedestrian	65	36	10	2	8	1	—	5	129(35%)
Scooter	12	55	—	—	—	—	—	—	67(18%)
Tempo	2	12	—	—	—	—	—	—	14(4%)
Truck	1	8	—	—	—	—	—	—	9(2%)
Bus	—	31	—	—	—	—	—	1	32(9%)
Car	—	5	—	—	—	—	—	—	5(1%)
Tractor	3	2	1	—	1	—	—	—	7(2%)
Others	6	8	1	—	—	—	1	—	16(4%)
Total	115	217	13	2	16	1	1	6	373
	(30%)	(58%)	(3%)	(1%)	(4%)	(—)	(—)	(2%)	(100%)

Hyderabad	—221	Lucknow—204
Jaipur	—144	Kanpur —130
Madras	—432	Pune —250
Ahmedabad	—165	Nagpur —121

These numbers would be about 20-25 per cent higher now. Delhi has the highest number of fatalities because it has the largest number of vehicles registered of any city in India—1.6 million in 1989⁴. Of these almost three-fourths are motorcycles and scooters. The second largest city as far as vehicle population is concerned is Bombay, but it has less than half as many vehicles as Delhi and much fewer two-wheelers. It is not surprising therefore that there are fewer road fatalities in Bombay.

Actually, Delhi is unfairly categorized as the "most dangerous" city. One method of assessing the safety record of a city is to calculate the number of fatalities per thousand vehicles every year. The statistics for Delhi and Bombay both were 1.2 deaths per 1,000 vehicles in 1986. One would expect that Delhi would have a higher rate as there are many more two-wheelers in Delhi. Lucknow and Madras had higher rates than Delhi. Obviously, much more detailed analyses have to be done to understand the major causes of crashes in our cities.

As in the rural areas, almost 80 per cent of the victims in urban areas are also the vulnerable road users (VRUs): bicyclists, pedestrians and motorcyclists. Less than 5 per cent of the victims are car passengers. What is significant is that large proportion of the fatal crashes take place at night and on straight stretches of the roads. This distribution is very different from that obtaining in highly motorized nations. Figs. 3 to 6.

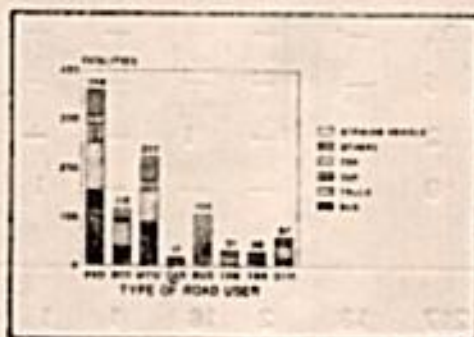


Fig. 3. Delhi road crash fatality distribution by type of road user (1985).

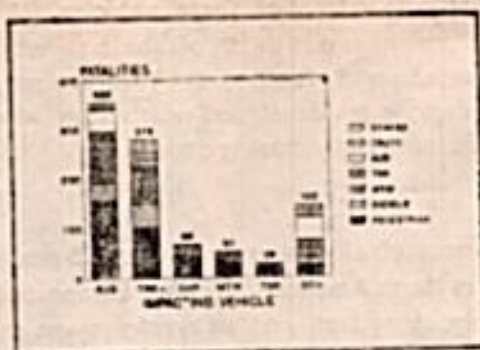


Fig. 4. Delhi road crash fatality distribution by type of impacting vehicle (1965)

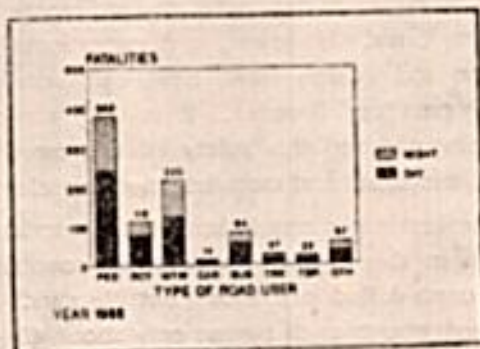


Fig. 4. Delhi road crash fatality distribution by type of road user & light condition.

Unlike in the West almost 70 percent of the crashes in India involve buses and trucks. It is essential to give much more importance to making bus and truck use safer. In particular, it should be ensured that there are

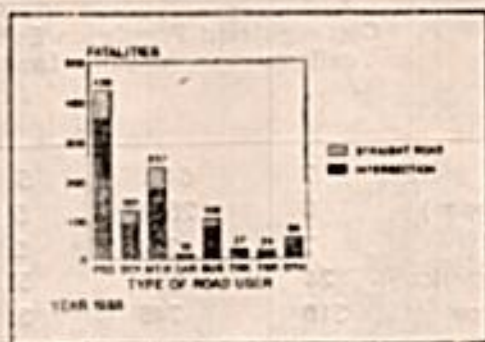


Fig. 6. Delhi road crash fatality distribution by type of road user & location of crash.

no sharp or pointed objects in front of these vehicles. A vast majority of bus commuters killed are either due to fall off the bus while getting off or on the bus or get crushed on the footboard. This can only be controlled if special urban bus designs are developed which have lower floor boards wide entrances and automatically closing doors.

4. Neglect

Almost 80 per cent of all cars are owned by 15 per cent of the world's population residing in North America, Western Europe and Japan. Table 2. Fig. these countries, every family on an average owns one or more cars. On the other hand, in countries like India and China less than 1 in 63 families own a car. The rest of the nations fall somewhere in between these ratios. This means that a vast majority of the world's population does not travel inside cars every day and most of the travel trips are not made in automobiles. However, a disproportionately high share of research funds, time and energy have been spent on making the car occupant safer in the past four decades. It is only recently that a little more attention is being given to the safety of the more vulnerable road users: pedestrians, bicyclists and motorized two-wheeler riders.

Road safety professionals, should actually be surprised at this state of affairs because even in the high car ownership countries a very large proportion of road users killed are those outside cars. For example, in Japan, U.K. and most countries of Europe only about 40 per cent of the fatalities comprise car passengers. Only in the U.S. does this proportion go up to 54 per cent if one takes actual proportions of those killed around the world, then car occupants constitute a minority of those killed in traffic crashes. Table 3. But the fact that this is so has not influenced policy

TABLE 2 CAR OWNERSHIP STATISTICS

Region	Cars registered millions	Population million	Estimated family size	Maximum proportion of families owning cars
Africa	7	643	5	1 in 18
Asia (excluding Japan)	8	2526	5	1 in 63
West Asia	7	224	5	1 in 6
South & Central America	24	394	5	1 in 3
USA Western Europe & Japan	310	745	3	1 in 8
World	393	5005	47	1 in 3

makers and researchers into skewing their efforts in favour of making life safer for the VRUs.

5. ROAD SAFETY

Scientific interest in the an analysis of road traffic accidents does not have a long history. Until the early sixties it was assumed that it was mainly "human error" that was responsible for traffic accidents. So all efforts at improving road safety centered around the promotion of safe driving". These costly campaigns had little effect. Then Ralph Nader published a book "Unsafe at Any Speed". This book marked a watershed in increasing the public's awareness about road safety issues. It also brought an awareness that things besides the driver are also responsible for accidents.

Researchers claimed that it was very difficult to alter 'Individuals' behaviour by education campaigns. Change in behaviour takes a long time and the behaviour itself is influenced by the design of products they use prevalent cultural norms and the environment. It was this understanding of the issue which prompted the North American and Western European governments to institute vehicle safety standards in the late sixties. They did this by law as experience had shown that vehicle manufacturers do not

TABLE 3 PROPORTION OF ROAD USERS KILLED BY VARIOUS MODES OF TRANSPORT

Nations	Pedestrian	Bicyclists	Motorized two wheelers	Cars	Others
Delhi India (1985)	32%	10%	20%	20%	36%
USA (1987)	15%	2%	9%	54%	20%
Australia (1983)	19%	5%	15%	63%	—
Northern Ireland (1981)	27%	5%	10%	57%	—
Thailand (1987)	47%	6%	36%	12%	—
Tripoli Libya (1987)	66%	—	—	32%	2%
Japan (1981)	31%	11%	20%	37%	1%
UK (1978)	35%	5%	17%	47%	—
Indonesia (1980)	23%	15%	31%	30%	—
Hongkong (1980)	70%	4%	7%	19%	—
Ethiopia(1980)	84%	1%	1%	13%	—

*Includes occupants of all motor vehicles.

introduce safety features on their own. The results have been dramatic. In most industrialized countries, road accident rates have been brought down dramatically. Japan has been outstandingly successful.

The most important lessons of the past twenty years can be summarized as follows :

- (i) Accident rates have a disproportionate relationship with average speeds. That is all else remaining the same, if average speeds of vehicles are increased by 10 percent the number of accidental deaths will go up by much more than 10 percent.
- (ii) Road users must be provided automatic protections vehicles must be designed to keep occupants safe in crashes at moderate speeds physical separation of different road users (pedestrians slow traffic and fast traffic) road designs must force correct road behaviour including low speeds (e.g. speed breakers) etc.
- (iii) All safety features requiring an action by the road user (e.g. use of helmets and seat belts) must be enforced by laws.
- (iv) An accident is the result of a large number of factors operating at the same time and human error is just one of them. So exhorting drivers to behave better has very little effect.

Unfortunately, these lessons have not yet been assimilated by decision makers. Pedestrians and bicyclists are given no facilities on inner-city or inter-city roads and so they are forced to interact with buses and trucks. Inner-city speeds which are much higher than those in industrialised countries are being allowed. Use of two-wheelers is being promoted instead of good public transport.

Time tested solutions which will work in India and which can be implemented immediately are.

- (i) Setting an upper speed limit of 30 kmph on all city buses and 65 kmph on innercity buses. This will need to be done with the use of speed governors.
- (ii) Making helmet use compulsory for all two-wheeler riders.
- (iii) Making it compulsory for two-wheeler riders to keep their headlights on in the day time also. This is known to reduce accidents to automatically as the vehicle becomes much more conspicuous to other road users.
- (iv) All bicycles must be sold in yellow and orange colours only. These are the only two colours which are conspicuous in the day, night and rain. Increasing conspicuity of small vehicles automatically reduces accidents.

- (v) Speed limits of 40 Kmph must be enforced in all cities.
- (vi) Intelligent use of well designed speed breakers. They must be used in all residential areas and at crossings on the minor road where it meets a major road.

China has embarked on a massive programme of traffic separation on its roads. Almost half the travel surface in cities is reserved for bicyclists and pedestrians. Heavy vehicles are not allowed on the fast lanes city buses travel at about 20 kmph, and speed breakers are used liberally. They have also come up with some fascinating designs for flyovers the slow traffic does not come in contact with the fast traffic at the intersections. This is one area where there could be a very useful technology exchange agreement with China.

6. CONCLUSIONS

6.1. Main Reasons for Injuries and Deaths

- (1) Road design transportation policy and vehicle safety standards are not appropriate to our traffic conditions.
- (2) Public transport has been neglected, forcing people to use unsafe vehicles like motorcycles and scooters.
- (3) Fast velocity vehicles are being encouraged.
- (4) No importance is given to provide facilities and road space to pedestrians and slow vehicles. The latter are forced to mingle with motor vehicles.
- (5) Vehicle safety standards are quite in-adequate.
- (6) Haphazard emergency care arrangements.
- (7) Inadequate research on road accidents in India.

7. Recommendations

7.1 Immediate

The following should result in about 20 per cent reduction in injuries and deaths.

- (a) All bicycles should be painted yellow or orange. Use of bicycle helmets should be encouraged.
- (b) Motorcycles should be required to keep their headlights on at all times.
- (c) All city buses should be fitted with speed governors fixed at 40 kmph maximum speeds. Trip times for urban buses be fixed such that average speeds are between 11.13 kmph.

- (d) Helmet use should be compulsory for all motorized two-wheeler riders.
- (e) Intercity buses and truck speeds should be limited between 70-80 kmph.
- (f) There should be ban on provision of steel guard in front of the grill of cars as these are lethal in accidents with pedestrians and two-wheeler riders.
- (g) 40 per cent of road space should be car marked for slow traffic and pedestrians and these should be separated from fast traffic as far as possible.
- (h) Free and fast left turns in urban areas should be discouraged.
- (i) There should be more liberal use of well designed speed breakers and ripples in critical areas and greater use of roundabouts and other road designs which slow down traffic automatically at crossing etc. should be considered.
- (j) There should be more emergency care units.
- (k) Bicycle designs should be such that riders feet touch the road easily.
- (l) Unnecessary requirements like medical tests from licencing procedures should be removed.
- (m) Investment in safety research should be increased significantly.

7.2 Future

- (a) **Bicycles** : Compulsory helmet use.
- (b) **Motorcycles/Scooters** : Discourage use by provision of more public transport.
- (c) **Three wheelers Tractors and Utility Vehicles** : Development of safety standards and design for Indian specific vehicles.
- (d) **Cars** : Enforcement of international safety standards use of laminated windshields introduction of high mounted turn indicators on the sides of vehicles. Cars equipped with air bags.
- (e) **Urban buses** : Development of low platform chasis much wider entrances. automatic doors, high mounted turn indicators on sides, more standing space.
- (f) **Trucks** : Paint front and back yellow, many more reflectors and light on the body, less eggressive fronts.
- (g) **Roads** : Use of designs which automatically restrict speeds like roundabouts curves at T-junctions slightly raised road surfaces

at road Junctions etc. Safer roadside furniture traffic segregation and Reservation of 40 per cent of road surface for slow traffic and pedestrians.

- (h) **Emergency care** : Every hospital must be equipped with an appropriate casualty department. Training of trauma surgeons appropriate for India.
- (i) **Research** : Development of safer bus and truck fronts, safer and more comfortable helmets accident reducing road design. Setting up of road research units in various parts of the country.

The VRUS cannot be made safe by technological changes in vehicle design and environmental design. There is a need to consider fundamental changes in policies, increasing public transport promoting safer bicycling reducing motorized two-wheeler production urban planning which reduces trip lengths rationalization of vehicle speeds to reduce variation and lower average speeds etc.

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Traffic Safety Education

Education, Environment Engineering & Enforcement are the four important and wellknown elements of Traffic Safety. Of these, Education is the most important since it plays the most important role in increasing Road Safety by educating the drivers who are responsible for about 70 per cent of the accidents.

A driver constantly experiences extremely complex stimuli on the road and the reaction time available to him or to other road users is extremely short because he has to perform three basic tasks, viz. Control guidance and navigation, simultaneously and in close co-ordination with each other. Traffic Education is that branch of science which trains and teaches the driver to perform these tasks with the highest degree of safety, efficiency and economy. It helps the user to face difficult situations correctly and with confidence. It also helps in developing analytical response and attitude amongst the road users.

STRATEGY FOR IMPARTING ROAD SAFETY EDUCATION.

Children constitute a large portion of road-accident victims. They are also the most impressionable persons. Therefore, introduction of Traffic Education in Schools would be a very good move in the direction of ensuring better road behaviour from future adults-particularly pedestrians and the cyclists.

An attempt should be made to integrate the road safety education with the overall education. It should be made part of the school and college curricula and our new education policy should ensure its inclusion as the main part of the total human resources development. Till this is done, a system of weekly lectures and practical training in scientifically laid-out traffic training parks (wherever available) and at the road crossings may be arranged with the help of the Traffic Police. The District Inspector of Schools may require the Heads of High Schools and Intermediate colleges to invite trained traffic personnel for the purpose and in due course these institutions may develop their own faculties for imparting this education.

The District Supdts. of Police may also take initiative and form teams of competent traffic personnel and send them to various educational institutions for lectures and practical demonstrations concerning the basic principles of safe and defensive driving and pedestrian behaviour. Needless to mention that this experiment proved a great success in the State of Uttar Pradesh when it was introduced by the Directorate of Traffic in the late 80s.

There is a great dearth of driver's training schools. Even the existing ones are mostly privately owned and they are used as 'Agents' for obtaining driving licence. The State may come forward with soft loans to promote and propagate well laid-out and scientifically developed training schools and the beneficiaries of these loans may be placed under the effective control of the Directorate of Traffic/Transport, who may be authorised to carryout inspections to ensure right type of training. The State should also establish a few training schools for training the trainers of these driving schools. The passcuts may, in turn, start their own traffic training schools.

The physical ability (particularly eye sight and glare recovery) and reflexes of drivers of commercial vehicles and other professional drivers must be checked occasionally. Real difficult driving tests must be taken before issuing licences. Equally effective tests pertaining to driving skill and physical fitness must also be taken at the time of renewal of licences. The State must arrange proper testing grounds, equipment and staff for the purpose lest the tests continue to remain a farce.

Traffic Education not being a one time exercise, sustained efforts would be very necessary to create and maintain a culture of traffic discipline. Traffic police, no doubt, would continue to work as a catalyst for such a campaign but the real success would be achieved only if the media and the public at large are actively involved.

Information on traffic education may be regularly disseminated over the television in peak viewing time. What is preached on the television should be practical and it must be ensured that the enforcement agencies do not present any example of a behaviour which may be contrary to what depicted on the T.V. It must be remembered that the viewer sees the television at a time when he is not using the road. Therefore, catchy slogans must be used not only on the television but they should also be displayed at important public places, particularly petrol pumps.

Common violations of road rules very often lead to disastrous consequences. A cyclist not waving his hand before taking a turn or a motorist

parking his vehicle on the road at night without a proper back-side reflector in his vehicle may meet with a fatal accident. Similarly a drunken driver may suddenly loose control and cause a serious accident. Such incidents could be shown to the people over the television, in a sustained manner.

There is a great dearth of films on road safety and driver's education. The Govt. of India and the state Govt. may take up projects for producing such technical films, particularly, for heavy and commercial vehicles. various institutions connected with road-safety like the Central Road Research Institute & the Directorate of Traffic/Transport in various States may actively associate themselves in this project.

Provision of speed-Breakers and Rumble strips becomes inevitable on urban roads, highways areas adjacent to Railway Crossings when they pass through populated areas. However, it is a common experience that they are neither made according to standard designs nor they are adequately discernible at a distance at night since a great majority of them do not have reflective or luminous paint. Thus, sometime, they serve as death-traps to even reasonably cautious drivers. Any officer/men found responsible for neglecting proper maintenance of speed-breakers resulting in fatal accidents should therefore be criminally prosecuted, to put a stop to this menaco.

The task of spreading road safety education is massive and it can not be performed by any single agency. Hence help of service clubs like Rotary International and Lions Club may be taken in organising Road Safety Training Camps and other publicity campaigns.

Parents must also educate their children in the proper and careful use of road.

No traffic accident may be taken passively as an act of God. Instead every accident case must be carefully examined to find out the causes and the people may be educated to refrain from them.

Funds

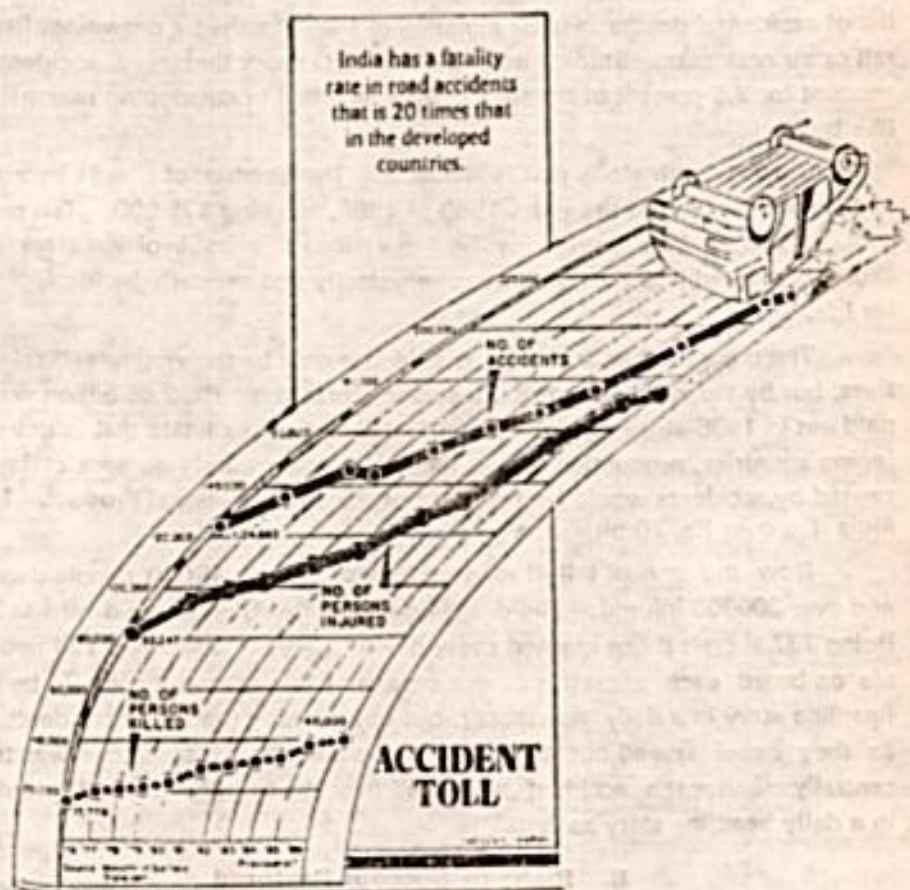
Traffic police must have a self generating and self propelling economy so that it could carry out its programmes without really looking for state-assistance. This is possible by introducing the system of compound of traffic offences by traffic police and allocating a major percentage of such earnings to the traffic police.

Road safety is a complex problem and it deserves a planned approach and a well co-ordinates effort of all the concerned departments, media and the people.

Right to Left and Safety on Roads

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I. INTRODUCTION

Right to life and liberty is the fundamental right of any citizen. This is guaranteed under the constitutions of nearly every country in the world, as well as international covenants. And safety is a necessary corollary to life. Anything which is hazardous to humans violates the right to life; and road safety is as much on the agenda as any other area, which may be accident prone.

The agenda itself is tall-hazards results from unsafe food, unsafe technology, poor design, poor construction, out moded equipment, bad roads and what have you. But what is most alarming and consistent in taking or maiming human lives is road accidents. Road fatalities now lead the list of accidental deaths in India much more than deaths by drowning, fire, rail or air accidents. Studies done by the WHO show that road accidents account for 2.5 percent of the total deaths recorded in developing countries like India.

It's not death alone that is alarming. The number of people injured has almost doubled in the years 1980 to 1986, touching 175,000. Ten per cent of this or 17,500 were involved in serious injuries involving cracked skulls to severed limbs leaving them physically and mentally handicapped for life.

The price of road accidents is paid not only by the victims and relatives, but by the whole country. Insurance claims of Rs. 2.66 billion was paid out in 1985 alone. International Traffic Experts estimate that in developing countries, production losses, medical expenses and insurance claims caused by accidents would be 1 percent of the Gross National Product. In India it is over Rs. 20 billion every year.

Now the annual toll of road accidents is nearly 46000 people dead and over 200000 injured. The death figures alone equal to the deaths in a Boing 737 aircraft if one crashed every day of the year, assuming 125 people on board each aircraft. One air crash of this magnitude would be a headline story in a daily newspaper, but not as many road accident deaths as they occur spread out through out the country. If some one was to centrally monitor the accident reports all over the country it would result in a daily headline story as well.

II. Right to Succour Restored

It would perhaps be impossible to save any life in an aircraft, but a large number of the road accident victims can be saved, if only they receive succour immediately. Many of them don't, due to fear of police harassment and/or legalities.

Large number of Road accident victims bleed away to death as passers by hesitate to help them. They fear police harassment or the unnecessary legalities involved. The legalities could mean giving evidence in the courts or be called again and again to stand as witness. Most of the times the attending doctors at the emergency ward of the hospital do not touch the victims until the police formalities are over. And by that time it may be too late. This malady was recently addressed to by the highest court in India-The Supreme Court.

A writ petition by way of public interest litigation was brought before the Supreme Court by Advocate Parmanand Katara. The petition said that Article 21 of the Constitution of India guarantees the Right of life to every citizen, but in the matter of road accident victims nearly 60% die while awaiting treatment, even after having been brought to the hospital. These deaths take place as the Doctors would not attend the victims until a police case is recorded, as these are medicolegal cases.

The Supreme Court in its Division Bench Judgement delivered by J.J. Ranganath Misra and C.L. Oza on 28th August '89 ruled that every medical doctor is bound to save the life of an accident victim. "It is his supreme responsibility even if the victim is that of a criminal assault", said the order.

Going a step ahead the court ruled that accident victims should be attended to by a private doctor also doing away with the rule/convention that only Govt. Hospitals can treat such cases. "In the event of such help by a private doctor or by passersby to the victim, they will not be harassed by the police", asserted the court.

The Supreme Court also expressed that the doctors should not be summoned by the lower courts for evidence unless it is absolutely essential. And if they are summoned, they need not be kept waiting unnecessarily. According to Advocate Katara, if a police official neglectfully or wilfully delays medical treatment to an accident victim it would invite contempt of the Supreme Court. If the court finds the official guilty it would mean punishment for him.

As a result of this order atleast the Delhi Police (the local police force in the union territory of Delhi-Capital of India) swung into action. It announced through attractive advertisements in the press that their patrol jeeps can be summoned to pick up road accident victims.

Dr C.K. Goyal, President of the Association of Trauma Care in India had suggested to the Govt. of India as early as July 1985 that it should come forward to assure the people, that they would not be harassed

by the police later for giving evidence. But it was not to be until the Supreme Court stepped into the picture in August 1989.

Dr Goyal also said that while the fatality rate was only 5 to 7 per cent per 10000 vehicles in the developed world, it was nearly 10 times that in India-57 p.c. India also has the highest accident rate of 34.6 per 1000 vehicles which accounts for nearly six per cent of the total road accidents in the world though it's vehicle population is only one per cent of the world's figures. "The fatality due to accidents could be reduced significantly by providing immediate medical attention to the victim, as the initial 60 minutes are very critical for their survival" he further said.

III. INCREASING ROAD ACCIDENTS AND FATALITIES

This Supreme Court order is particularly important in the context of increasing number of road accidents which is led by Delhi in the country. The capital of India is followed by other metropolises-Bombay, Calcutta, Bangalore, Madras and Ahmedabad.

Road fatalities, in Delhi, in 1981 were 1.6 times more than that in Bombay, according to a study of India's National Transportation Planning & Research Centre (NATPAC) Trivandrum. The study also revealed that the majority of persons killed in road accidents during 1980 in metropolitan cities were pedestrians. These type of fatalities was as high as 80 per cent in Calcutta which has the lowest road ratio in India. In other cities it varied from 38 to 50 per cent. (See Table 1).

The study concluded that other than 2 wheelers the pedestrian traffic itself was responsible for majority of these accidents. Besides these, the other causes were :

- (a) Enormous increase of vehicles on the roads,
- (b) Lack of formal and adequate training for drivers and their ignorance about road rules.
- (c) Poor maintenance of vehicles, and
- (d) Lower levels of deterrents prevalent for violators of traffic rules & regulations.

Surprisingly while the NATPAC adduced a major responsibility to pedestrian traffic in its study, another Govt. Institution the Central Road Research Institute (CRRRI) categorised pedestrian fault from 0 to 4.2 percent as a cause of accident in Metropolitan cities. The CRRRI study related to analysis of road accidents in four metro cities during 1980. This study concluded that fault of the Motor vehicle drivers was at the top of the list. It varied from 78.2 to 92.9 percent (See Table 2).

The CRR study also compared accident statistics of India as against those of UK, USA & Japan in 1978. It showed a high fatality rate of 59.00 per 10000 vehicles in India with an absolute figure of 21, 811. The absolute figure of USA was higher than India i.e. 51,155 but the rate per 10000 vehicles was a low of 3.30 (See Table 3). This study also evaluated the financial loss due to road accidents in 1978 at Rs. 2.4 billion which is roughly 0.3 percent of the GNP (Rs. 809.46 billion) of that year. Or 4.1 percent of the increase in GNP in next year (Rs. 867.54 billion). For a developing country like India it is a figure to contend with.

Nearly one third of the road accidents in India take place in the metropolitan cities like Delhi, Bombay, Calcutta, Madras, Ahmedabad, Bangalore and Hyderabad. Most of these accidents are caused by heavy vehicles like trucks and buses. However an alarming increase in such accidents has taken place in the last 25 years. In 1987 total road accidents were 1,60, 457 of which 53,209 (33.2%) were in these cities. Similarly the figures for 1982 are 167528 and 54555 (32.6%), for 1983-170844 and 57624 (33.7%). The total estimate for 1985 is 200008 and NATPAC forecasts a frightening figure of 435000 by 2000 AD.

However an alarming picture emerges from the comparison of the 1960 and 1980 figures of motor vehicles, road accidents and casualties according to Indian Road Transport Development Asscn. There was a 578 percent increase in population of motor vehicles, while only a 166 percent increase in road accidents but a phenomenal increase in casualties-255 percent. (See Table 4) Although the percentage increase in casualties is less than the increase in population of motor vehicles, the death figure of 372 percent is more than twice that of the increase in road accidents and nearly one and half times of total casualties.

In 1985 the death figures were 39,047 in 208,417 accidents while in 1986 it was 40,380 dead in 211,308 accidents, according to a statement of the Minister of Surface Transport Mr. Rajesh Pilot in the Indian Parliament on 11th December '88'.

	1960	1980	1985	1986
Accident	55478	147651	208417	211308
Deaths	5106	24085	39047	40380
Percentage	9.2	16.3	18.7	19.2

This table indicates that fatal accidents have been increasing from the 1960s to the 1980s, and onwards by 0.5 percent per annum leading to more trauma. By 2000 AD a figure of 435,000 accidents is forecast. Assuming a half percent increase in fatalities we might have a 26 percent fatality or 113,100 in absolute numbers in the year 2000 AD, unless counter measures are taken effectively. The economic loss, direct and indirect, could well be much above Rs. 100 billion at the prevailing prices. A loss of this amount is no peanuts for a developing country like India.

From the above statistical exercise it clearly appears that medical aid delivery to road accident victims is becoming slower, or that accidents are becoming more severe. And these statistics in any case suffer from a deficiency due to under reporting or misreporting because of a lackadaisical insouciant and overloaded system which prevails in India. Many a police officer would like to reveal lesser crime figures to show a better performance an example of which we will see later.

The above scenario related to all road accidents in India before which we had discovered that nearly one-third of these take place in 6/7 metropolises of India. The rest two-third take place in other towns and the highways of the country.

IV. HIGHWAYS & 'COTS' STUDY

The Indian road network is one of the largest in the world ranking fourth after the US, Brazil and USSR. The total surfaced road length comprising national highways, State highways and other state PWD roads was 833,000 km in 1984-85 as against a total of 1,72,000 kms road length of this only 32,138 km was the national highway system. This system although constitute only about 2 percent it carries 33 percent of the total road traffic (Map at Appendix-I).

In 1951, nearly 26 percent of all passengers and 11 percent of goods were transported by road. By 1986, nearly 80 percent of passengers and 50 percent of goods moved along these roads. By 2001, roads will probably be carrying 86 percent of passenger and 62 percent of goods traffic.

An estimated Rs. 25 billion is required annually to maintain the existing road network. Tragically the attention required to maintain this system shows short sightedness. As against a budget demand of Rs. 412.5 million in 1979-80 the actual allocation was Rs. 307.5 million or 25 percent short (See Table 5).

A Planning Commission (India) study on the crisis of road maintenance points out: "The continuing gap between the requirement and

allotment of funds for the maintenance of our road network has now snowballed into the road management crisis of the present and next decades. If this gap is not bridged fairly soon, a significant proportion of our road network is likely to break down beyond redemption".

This overload on the national highways results in the larger segment of road accidents in India. Concomitantly it is not only casualties on roads but blockade of traffic causing of jam for hours with resultant losses as well as 'second' accidents i.e., a running vehicle hitting a damaged vehicle lying across the road :

In a study conducted by Cosumer Unity & Trust Society (CUTS) on accidents on 2 National Highways crossing Jaipur (Capital of Rajasthan State in India) it was discovered that in a period of three and half years from June 1984 to November 1987, 829 people had died, 2221 were injured and 2298 vehicles damaged in 1736 accidents. The fatalities were extremely high at 47.75 percent as against a national average of about 19 percent in the years 1985 & 1986. This micro survey of one out of 438 district in the country showing such a difference only creates a doubt about the veracity of the all India figures. (See Map at App. I for the location of Jaipur).

While both the highways No. 8 and No. 11 crossing Jaipur are 2 lane roads there is no divider or median in between. The width of the road is just about 7 metres with poor berms on the sides. Many accidents result from reckless overtaking compounded by drunken driving or fatigue or mist & rain or jaywalking pedestrians & animals and slow moving vehicles. An analysis of the detailed break up figures of the road accidents in Jaipur district (on National Highways only) is exhibited in Table 'B'.

A spot survey at a Police Station-Dudu about 70 kms from Jaipur on NH 8 revealed that nearly half the road accidents result from hitting damaged or defective vehicles lying dangerously on the road. An interview with the officer incharge of Police Station confirmed this fact, where over 80 percent crimes are claimed to be that of road accidents. He also claimed to have over 17 years experience of posting in police stations on highways.

At analysis of the figures for 1987 revealed that 156 vehicles were involved in 93 accidents. Majority of these vehicles were trucks (102) followed by buses (24), cars (18), jeeps (9), 2 wheelers (7) tractors (2) and delivery van (1). Of these 156 vehicles only 122 were damaged. The rest 36 vehicles were involved in accidents without impact to another, like running over a pedestrian or turning turtle or banging into a tree or skidding into a ditch. 124 people were injured and 35 expired. (There is to hospital

here. The nearest one is at Ajmer (50 kms) and at the district headquarter-Jaipur).

As mentioned before we discovered a case of gross under reporting here by the district police. Table 6 shows the data of Dudu P.S. up to 20-11-87 as.

	Accidents	Deaths	Injuries	Damaged Vehicles
Reported :	70	28	91	122
Actually :	86	31	121	146
Up to Dec '87 :	93	35	124	156

It was gathered that the police department do not have a breakdown recovery crane to clear damaged vehicles from the road. Efforts to remove such vehicles are usually delayed and use of tractors borrowed from farmers is resorted to in most cases. Mostly the 'carcasses' of vehicles lie on the road for weeks slowing down the traffic and sometimes other vehicles crash into them causing further mayhem and fatalities. In one instance, a member of the Rajasthan State Legislative Assembly expired when the car, he was travelling in, hit a damaged truck lying across the road.

Enquiries with the police headquarters revealed that proposals for purchase of breakdown recovery cranes have been lying pending with the State Government for many years. The acquisition is not taking place due to constraints on finances. However a subsequent campaign by 'CUTS' resulted in acquisition of few such cranes, but efficiency of their service needs a lot to be done. The field staff requires to be shaken out of their systemic lethargy.

V. INCREASING POPULATION AND DECREASING ENFORCEMENT

Everything to the overall scenario we find that increase in population of vehicles is phenomenal without concomitant increase or improvement on the roads network. Between 1950, and 1980 4.5 million vehicles were added on the Indian roads registering an increase of 1535 percent. In this two & three wheelers registered the highest increase of 9115 percent due to a boom in middleclass consumerism. From a population of only 27000 in 1950 the 2/3 wheelers rose to 2,461,000 in 1980 (See Table 7). Most of

these vehicles are present in cities and but for a few like Delhi the improvement in roads has been negligible adding to the prevailing chaos and unsafe conditions.

There are around 10 million vehicles today. By 2001 AD, the number is expected to zoom to 40 million, of which 80 percent will be 2/3 wheelers i.e. a phenomenal increase from 2.46 million to 32 million. This would result in a more severe congestion on the roads.

Adding to this chaos is the poor policing. The strength of police force on or out of the cities has not been increased substantially. For example a city like Calcutta needs at least 500 motor cycle traffic police officers as against the present operational strength of only 115. There are also no regular police patrols on the highways, except at a few points in some states.

It is a fact that enforcement can reduce accidents and improve the flow and speed of traffic. According to Mr. A.J. Downing of the Transport and Road Research Laboratory, UK, majority of studies conducted on this topic has proved that there is some effect of enforcement on behaviour. People tend to be more law abiding on the roads when policemen are around.

While there is very little published research on traffic law enforcement in developing countries, Mr. Downing said that the more promising evidence of the safety benefits of enforcement in the Third World comes from Singapore, where a combined publicity and enforcement campaign led to a significant drop in road accidents.

VI SUMMARY

To summarise, road safety depends on various factors : chance, driver, road and the vehicle and sometimes a combination of some or all.

Chance is not something within human control. A small error due to bad stomach of a pilot in a high tech aircraft can result in loss of many lives as well as the expensive aircraft. Or consider the case of a car hitting a tree and killing all, just to save a dog or a child or anything. Or consider the case of a drunk or dozing truck driver or a vehicle with brake failure or whatever, who mows down another vehicle. Or take the case of a train in a headlong collision with another, because the switching man made an error and put both of them on the same track. Examples of chance accidents can be numerous and many will continue to happen every day,

and will happen. Science and technology cannot stop it completely, but only reduce its intensity and aftermath.

Driver or the motorists the second most important factor. 70 to 90 percent of the accidents are caused to a driver's fault. There is no minimum education standard to qualify for a driver's licence in India, he or she has just to know about the fundamentals of driving, recognise the road signs and drive away. Driving licences can also be obtained by suitable 'grease' without even seeing the place from where it is issued. Offences can also be compounded by 'grease'. There is no educational system to teach him to become a conscientious driver or a punitive system to take away his licence. The logistics of both the systems are mind boggling while a developing nation's apparent priorities are to provide jobs and opportunities to people to acquire basic needs. And we are fatalists as well ; what will be I-will be I

It is this fatalism that reflects in a driver's physical capabilities. He does not believe in physical fitness. Besides the fact that driving licences can be issued or renewed with 'grease' alone, there is no semblance of medical check up by the authorities.

In February 1986 the Delhi Traffic police organised a camp where 99 truck drivers got their eyes tested. The results were startling. Out of three drivers having cataract, two were nearly blind. One had only one good eye and 20 suffered from trachoma. Thirty nine drivers needed spectacles and 15 suffered from other eye problems. Thus 78 percent drivers should not have been driving at all.

When NATPAC checked 173 truck drivers on the Quilon Highway in the state of Kerala, 90 percent of them had defective eyesight.

A CRRRI survey of 1200 people found that half of those who had driving licences had no knowledge of traffic rules. Only 20 percent of them knew how to overtake correctly. A third had no knowledge of road signs, and two third admitted honestly that they did not observe the traffic rules.

Roads is the third factor. Various committees, studies, seminars, and media speak about traffic engineering : double lane divided roads, turnpikes, flyovers etc. but logistically it is impossible to provide the best system in a developing country like India. And once again immediate priorities are irrigation, agriculture, power and industry to increase production and provide more jobs. If not this, then disaster relief eats away many scarce resources. The progress on the road front is therefore in bits and pieces. The first and only turnpike to be made in India is under construction for a

distance of about 90 kms between the 2 largest cities in the state of Gujarat: Baroda and Ahmedabad.

The accidents result in an enormous economic loss expected to touch Rs. 13.5 billion by 2000 AD. An estimated Rs. 20 billion is wasted every year in vehicle operation costs due to poor roads. Another Rs. 5 billion is burned up by the extra fuel consumed on bad roads.

According to CRRI, vehicle operation costs are estimated at Rs. 400 billion annually, and if by improving the roads, these can be reduced by just 10 percent, India can save Rs. 40 billion every year. This saving can be ploughed back in road developmental programmes. Since this is not happening, India has the highest accident rate in the world. It is 39 per 1000 vehicles. Total road accidents in India are 6% of the world, although having only 1% vehicles. In USA the accident rate is 14, in West Germany 13.7 while it is 4.8 in Sweden, (see Table 3). Annually over 46000 people die and over 200,000 are injured in India on the roads.

The tragedy in India is compounded as victims do not get immediate medical attention—a large number, nearly 60% accident victims, die due to haemorrhage alone. Fellow Indians and private hospitals are afraid to help accident victims for fear of police harassment and courts. While this issue was addressed to by the Supreme Court of India and corrected, but the impact will take a long time to filter down to every nook and corner.

And vehicle is the fourth factor—the design safety, reliability, stability prices, passenger overload, etc. Trucks designed during World War II with high centre of gravity are still modern. The outmoded design causes the trucks turning turtle on the roads inviting further accidents. Unsafe jeeps, with or without overloading, continue to kill people in a crash by either the rigid steering column or by buckling unsafely or by throwing out the occupants dangerously.

A most popular car in India—The Hindustan Ambassador (inherited from a rejected design of Morris, UK) is also one of the most unsafe. Besides a rigid steering column which impales the driver in a crash, its brake system is an outmoded single circuit design. Many an accidents of this car has resulted from failed brakes. Adding to this chaos are the arrival of high speed Maruti cars made in collaboration with Suzuki of Japan. These are lightweight and fragile cars. They zip in and out of traffic, overtake merrily on highways and often meet with fatal accidents. Similarly high speed 2 wheelers also made in collaboration with Japan incongruously zip through the slow traffic, often meeting

with fatal accidents. Buses are other vehicles, which are assembled on truck chassis and tend to speedily run on the roads without the concomitant controls.

A developing country like India needs more public transport and a rapid transit system for cities, so that people are able to commute swiftly and safely. But what is happening is that the population of motorised 2 wheelers is increasing rapidly which is expected to touch 32 million by 2000 AD adding to the chaotic congestion on the city roads. And hope to have a matching road system in the over burdened urban agglomerations is extremely bleak.

Twentyfive percent of all accident victims are two wheeler riders. Most of them die because they either don't wear helmets, or wear these improperly. A Delhi study found that while only 24 percent of helmeted riders sustained critical injuries, the figure was as high as 56 percent for unhelmeted riders. In 30 percent of the cases, the helmet had come off before impact. Whereas both the rider and the pillion need to wear helmets, since almost half of those who suffer head injuries are pillion readers.

Surprisingly people have resisted wearing helmets on 2 wheelers. Whenever an order to this effect was enforced there was resistance. In one case a High Court in Uttar Pradesh (the largest State in India) even stayed the order. In another instance an important political party launched a resistance campaign in Bombay protesting against compulsory wearing of helmets.

VII. RECOMMENDATIONS

Recommendations for a complex subject like this could be many — some of them may not be implementable given the resources and the weakness in the system like apathy and corruption, but yet efforts can be made on the following lines to achieve a reduction in road accidents. To priorities, some measures can be taken immediately and others on a long term basis.

IMMEDIATE

Publicity

Publicity should be stepped up at all levels to generate awareness among road users of the road accident scenario through all media like radio, T.V., fairs, hoardings, newspapers, songs, drama. Audio cassettes of

songs based on popular music tunes should be distributed to truck & bus drivers and trucker's eating joints on highways.

Central Data Bank

A centralised national registry of driving licences, registrations and accident data should be created. This will ensure that drivers with suspended licences do not obtain or 'purchase' driving licences from other places besides creating a research data base on accidents.

Enforcement

- (a) Enforcement in both cities and highways should be stepped up by periodic safety campaigns and by making the enforcement machinery more visible. A higher involvement of people should be made by creating more honorary traffic wardens who could be mobilised on a regular basis for such campaigns. Higher visibility of enforcement can control recklessness of drivers.
- (b) Traffic patrolling alongwith wireless equipped ambulances and breakdown recovery cranes should be increased along all major highways both national & state.
- (c) Strict penalties for drunken driving or driving after consumption of liquor should be enforced. Liquor shops should not be allowed to be set up on or anywhere near highways.
- (d) For enforcement of traffic laws etc policemen should be given financial incentives and other rewards to counter illegal gratification.
- (e) Relevant Laws/regulations be made to drop the requirement of a Police Diary before attending a victim of accident or assault and to enact a suitable provision/law casting a responsibility on every physician/surgeon to attend to a victim of accident/assault so as to save lives.
- (f) Like in U.S.A. to call upon the General Insurance Corpn. of India and the Life Insurance Corp. of India to set up accident and trauma care facilities in all district headquarters as well as mobile facilities in all highways so as to provide immediate medical care to victims of road and other accidents.

Safety Measures

- (a) All slow moving traffic in cities or highways like animal carts, cycles, tractors and trollies including fast moving vehicles like

trucks etc. should compulsorily have light reflectors and be painted in orange or yellow. If need be large automobile or tyre manufacturers be asked to sponsor such efforts on a national scale.

- (b) All two wheeler riders, both driver and pillion riders should be wearing helmets mandatorily, as both run equal risk to their lives while on the road. Also head lights should come on when the vehicle is started.
- (c) Cars should necessarily be fitted with safety belts and head restraints. It has been observed that these 2 small safety measures go a long way in saving lives of car occupants in a crash.

LONG TERM

Design safety

- (a) Design safety feature of vehicles like collapsible steering columns, fail-safe brakes, proper lights & indicators, padded and safe interiors must be incorporated on all vehicles. If possible retrofitting on old vehicles should be done, but atleast it must be made mandatory in new vehicles being manufactured in future. (Some of these features have now been made mandatory under the amended Indian Motor Vehicles Act of 1988).
- (b) A standard accident recording form should be introduced for the whole country and standard analysis procedures be adopted for data collection.

Highways

Consolidation of the existing national highway system should be done by providing a 4 lane divided road, while construction of new highway could be taken up later. Traffic engineering aspects of the existing highways like curves, road shoulders, lighting, laybys etc. should be improved. Scientific black-spot studies should be conducted on the most travelled section of National Highways in 1994-1996

Mass transportation

Mass Transportation system/Rapid Transit systems should be developed in cities, while manufacturing capacities (for indigenous marketing) of the automobile industry should be frozen at the existing levels. This would also help to reduce air & noise pollution which is becoming more & more dangerous in metropolitan cities like Delhi, Calcutta & Bangalore.

IECA centres

Information, Education, Communication & Action Centres for Road Safety should be established in each district with help of voluntary organisations to consistently conduct studies, training campaigns and relief measures in the district to generate higher awareness among people.

Rights of pedestrians

In cities the rights of pedestrians and cyclists should prevail over motorists by providing adequate footpaths, one way streets, vehicle free zones, even resorting to allowing only such automobiles on road on alternate days as those ending with an even number, with the necessary exceptions.

ACKNOWLEDGEMENTS

Sources from where information was called ; India Today, The Times of India, Indian Express, Janakatta, and Consumer Education & Research Centre and Rajasthan Police.

TABLE 1

Percentage Distribution of Type of Road Users Killed and Injured in Road Accidents
in Metropolitan Cities of India (1980)

Road Users	Delhi Killed Injured	Calcutta Killed Injured	Madras Killed Injured	Bangalore Killed Injured	Ahmedabad Killed Injured
Pedestrians	38.7 37.1	80.4 56.0	43.9 30.0	50.3 34.0	40.0 27.9
Cyclists	19.7 15.4	— —	22.6 23.0	18.4 15.5	27.3 19.3
Motor Cyclists/ Scooterists	12.4 16.9	1.7 4.1	8.7 6.3	4.7 4.5	8.0 10.7
Drivers and Passen- gers of fast Vehicles	25.6 27.1	17.9 39.9	15.8 15.9	26.6 45.3	24.4 39.4
Drivers and Passen- gers of Slow Vehicles	3.6 3.5	— —	3.2 4.0	— —	0.7 2.7
Others	— —	— —	5.8 12.8	0.3 0.7	— —
Total percent	100.1 100.1	100.0 100.0	100.0 100.0	100.0 100.0	100.0 100.0
Total Killed & Injured	747.0 3980.0	357.0 3158.0	310.0 2672.0	361.0 3429.0	150.0 1464.0

*Source: "Road Traffic Accidents in Metropolitan Cities: An Anatomy and Needed Countermeasures," Central Road Research Institute, New Delhi.

TABLE 2

PERCENTAGE DISTRIBUTION OF ACCIDENTS ACCORDING
TO TYPE OF FAULT OR PRIMARY CAUSE IN METROPOLITAN
CITIES (1980) OF INDIA

Sl No	Type of Fault or Primary Cause	Ahmedabad	Bangalore	Delhi*	Madras
1.	Fault of Motor vehicle Drivers	92.9	86.0	53.6	78.2
2.	Fault of Driver other than Motor Vehicles	0.5	1.4	0.3	1.0
3.	Fault of Pedestrians	2.1	0.8	4.2	—
4.	Fault of Cyclists	1.7	1.1	1.9	1.1
5.	Fault of Passengers	0.9	0.8	8.8	—
6.	Defect in Mechanical Condition of Vehicle	0.1	0.2	—	19.7
7.	Other Causes	1.8	9.8	31.2	—
	Total	100.0	100.0	100.0	100.0
	Total Accidents	1569.0	4215.0	747.0	5163.0

*Fatal accidents only

Source : "Road Traffic Accidents in Metropolitan Cities : An Anatomy and Needed Countermeasures. Central Road Research Institute, New Delhi.

TABLE 3

**VARIOUS ACCIDENT STATISTICS FOR INDIA AND SOME
DEVELOPED COUNTRIES (1978)**

	U.K.	U.S.A.	JAPAN	INDIA
Number of Vehicles (in '0000)	1708.10	15392.00	4419.70	330.40
Total Accidents (in '000)	264.77	2156.00	464.04	144.23
Persons Killed	6871.00	51155.00	8783.00	21811.00
Persons injured	343.00	3166.70	594.10	99.40
Accident rate (per 10,000 vehicles)	153.00	140.00	105.00	390.00
Fatality rate (per 10,000 vehicles)	3.90	3.30	2.00	59.00
Injury rate (per 10,000 vehicles)	198.00	206.00	134.00	260.00
Fatality to total casualties (%)	2.00	1.60	1.50	18.00

*Source : "Road Traffic Accidents in Metropolitan Cities : An Anatomy and Needed Countermeasures." Central Road Research Institute, New Delhi.

TABLE 4

**Growth of Motor Vehicles and Road Accidents in India
During 1960-1980**

	1960	1980
Motor Vehicles		
(i) Number	604,902	4,105,591
(ii) Percentage increase	—	578
Road Accidents		
(i) Number	55,478	147,651
(ii) Percentage increase	—	166
Casualties		
(i) Killed	5,106	24,085
(ii) Injured	33,731	113,670
(iii) Total	38,837	137,755
(iv) Percentage increase	—	255

Source : IRTDA Newsletter, 30 June 1985.

TABLE 5

Maintenance Allotments (National Highways) in India

(Rs. Million)

Year	Amount required	Actual allocations	Shortfall	Percentage of shortfall
1977-78	272.8	253.0	19.8	7
1978-79	345.0	288.5	56.5	16
1979-80	412.5	307.5	105.0	25
1980-81	565.5	377.5	188.0	33
1981-82	679.8	470.0	209.8	31

Source : Business India, December 31, 1984-January 13, 1985.

TABLE 6

Data on Road Accidents on National Highways in Jaipur District
(Rural) From June 1984 to 20th November, 1987

Sl. No.	Name of Police Stn.	Year	Total Accidents	Number of deaths	Number of injured	Number of damaged vehicles
1	Bagru	1984	32	24	26	41
		1985	51	30	26	69
		1986	49	21	29	75
		1987	52	18	69	74
2	Dudu	1984	82	20	107	130
		1985	75	41	135	119
		1986	78	45	113	133
		1987	70	28	91	122
3	Chandwaji	1984	23	05	25	25
		1985	28	20	23	25
		1986	31	13	13	25
		1987	39	16	41	56
4	Shahpura	1984	34	26	86	27
		1985	50	25	109	54
		1986	71	36	99	76
		1987	69	20	108	72
5	Praggura	1984	31	17	30	47
		1985	36	18	36	54
		1986	36	13	40	60
		1987	25	13	28	37
6	Kotputli	1984	26	10	37	41
		1985	46	32	87	59
		1986	65	29	105	88
		1987	69	26	84	98

Sl. No.	Name of Police Strn.	Year	Total Accident	Number of deaths	Number of injured	Number of damage vehicles
7	Bassi	1984	43	12	21	44
		1985	41	17	25	32
		1986	51	18	16	67
		1987	61	32	92	87
8	Manpur	1984	15	5	32	18
		1985	15	8	21	19
		1986	17	6	30	19
		1987	28	16	32	29
9	Dausa	1984	17	3	15	19
		1985	28	5	30	26
		1986	16	2	19	19
		1987	26	11	33	34
10	Chaksu	1984	15	60	48	17
		1985	26	09	25	21
		1986	22	9	23	24
		1987	15	5	6	9
11	Govindgarh	1984	3			6
		1985	6	1	5	1
		1986	6	5	8	2
		1987	5	3	5	3
12	Chomu	1984	35	18	60	70
		1985	25	15	43	50
		1986	24	10	27	45
		1987	30	24	38	45
Total			1736	829	2221	2298

TABLE 7

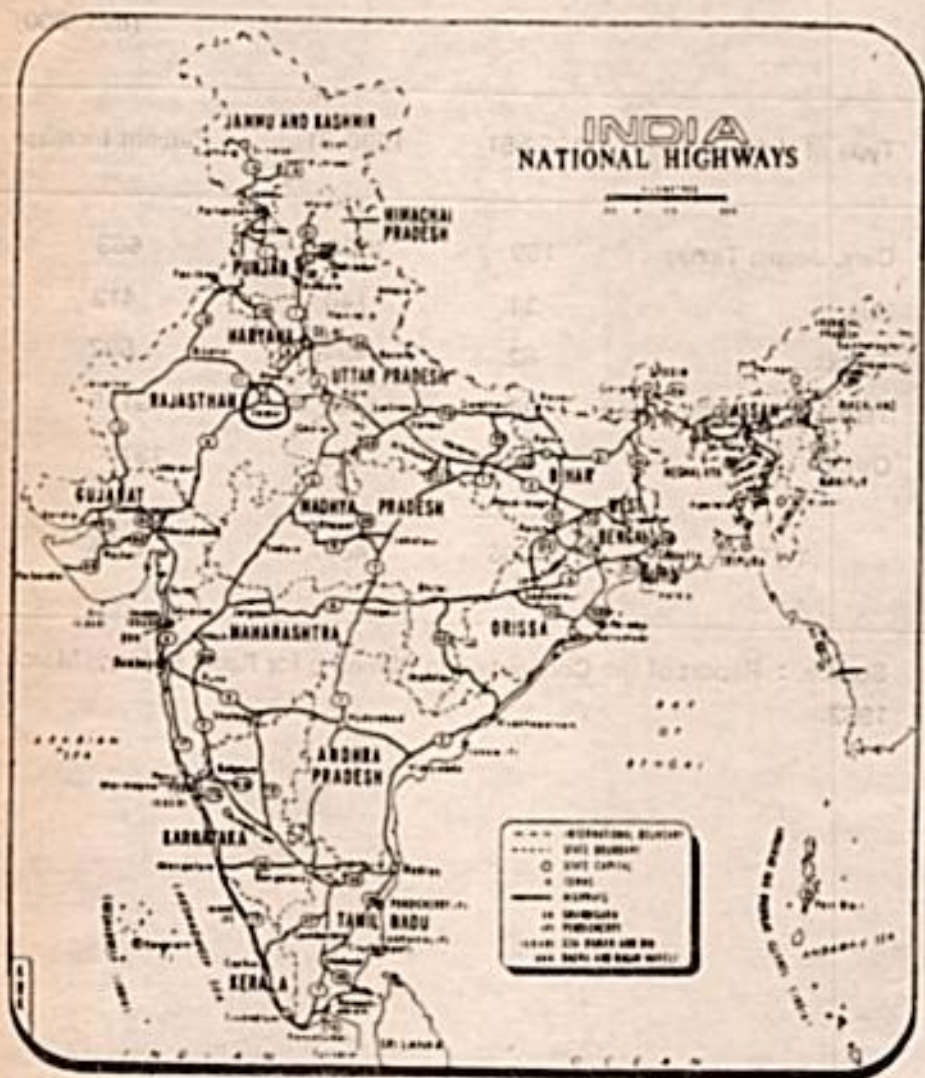
Growth of Registered Motor Vehicles in INDIA

(In 1 '000)

Type of Vehicles	1950-51	1980-81	Percent Increase
Cars, Jeeps, Taxies	159	1054	663
Buses	34	140	412
Trucks	82	494	592
Two & Three Wheelers	27	2461	9115
Other Vehicles	4	548	13700
TOTAL	306	4697	1535

Source : Report of the Committee on Planning for Road Safety, March 1983.

APPENDIX I



Educating People For Better Traffic Sense

Dr. B.K. Tandon

Professor of Management
ICCMRT,

In order to ensure safety on roads and providing remedial measures in case of untoward eventualities, rules and regulations by the government, schemes and projects by agencies and non-government organisations have been enforced—all aiming at bringing about a sort of situation in which public hardships arising out of accidents resulting in loss to persons and property are reduced. Every organisations and agency puts its best efforts to reduce the risk factor but despite all their efforts, rate of accidents and loss to people and property is increasing day by day resulting in acute hardships to victims and their families and simultaneously increasing pressure of work on executive, administrative and judicial machinery. The ever increasing quantum of traffic, overloading, rash and unmindful driving, traffic jams, inadequate infrastructure, etc are posing more challenges to our system. It is puzzling that in spite of every one's concern about safety and security the graph accidents record an upward trend.

Communication as an integral part of rules and regulations

An analyses of the situations reveals that communications about actions to be taken by public to ensure safety and security does not reach the targets group effectively. It may be either due to inefficiency in transmission of message or at the receiving and i.e. public.

Communication of message to the public about rules, regulations, schemes and projects (what is to be done and what is not to be done) to be followed up are subject to severe limitations. Such limitations should be identified, properly interpreted and there actions be taken to make the rules, regulations, schemes and projects more effective and purposeful. Our legal and procedural system is quite complicated and difficult to understand. On many occasions, even educated members of the society are not able to

understand or interpret these without adequate expertise in the concerned fields. In several cases, our rules, regulations, schemes and projects are not effectively communicated or these do not reach properly to the target group due to various reasons. Following are some of the factors, which act as barriers to effective and meaningful communications of our legal and procedural provisions.

1. Differing Perception

All the people of the target group for whom communications about actions to be taken, are not alike. There is a difference in their background, knowledge, level of understanding resulting in their perceiving the same message/information in different manner. The agencies/organisations involved in dissemination of informations/instructions for public should be very cautious in this regard, so that message for different segments of target group is drafted as per their socio-economic background.

2. Language Difference

The language of the message meant for public plays a significant role in its effectiveness. The problem becomes acute where dialect changes at little distance and the people are not adequately literate particularly in rural areas. Even the link language may not prove to be very useful, in such cases, messages should be written in language(s) understood by the members of the target group.

3. Distortion of Message

Messages in the form of rules/regulations/schemes may be distorted during transmission resulting in the message not reaching or understood properly at the destination in time. Such distortions may take place due to deliberate or innocent attitude of the sender or receiver or both. Distortion may also take place due to environmental factors which may be out of hands of both the parties. In case, a message is disturbed, confused or otherwise interfere with effective communications, the message is said to have been distorted. Efforts should be made to ensure that the communication is not exposed to disturbing environmental factors.

4. Emotional Feelings

Emotional reactions like anger, love, hate, fear, embarrassment are some of the factors that create hurdles in effective communications. Such problems arise when the parties lack mutual trust and understanding about each other. For example, some of the advertisements or publicity materials are ignored by the public on the pretext or the other.

5 Distrust

Acceptability of the message depends upon the creditability of the message. The creditability is considered high if the sender of the message is perceived as trustworthy, sincere, honest by the receiver of the message.

Measures Suggested to Ensure effective communication of rules, regulations, schemes, etc. to be target group :

1. Clear, brief and complete message—it is required to avoid any misinterpretation or confusion.
2. Other parties reactions should be listened/properly and corrective actions be taken in time so that difficulties faced by the group are removed.
3. Mutual co-operation and understanding based on trust and confidence.
4. Continuity of transmission.
5. Use of grapevine—grapevine is a method of communication which is not officially approved or sanctioned. It is made up of several informations networks that overlaps and intersects at a number of points. Graps-vine communication is the fastest mode of information dissemination in all the directions. Efforts should be made to make use of this type of communication to the members of the public in respect of rules, regulations, etc. this may be tried.

Role of Public Relations in effective implementation of rules and regulations :

It is not all that the message regarding actions expected to be taken reaches effectively to the target group, it is still more important that people should take these in true spirit and be convinced of their being favourable to them. Thus it is important such development and maintenancs of attitudes on the part of general public which are favourable to administrations or voluntary organisations which provide and/or implement rules, regulations and schemes, should be given high priority. The role of public relations activities is of utmost importance particularly in cases where public opinion and understanding is concerned. Many programmes and schemes relating to public safety and securities on roads are misinterpreted, misunderstood or criticised simply because the target group was ignorant about the rules,

regulations, schemes, programmes due to the fact that these could not be properly convinced. In several cases, where agencies attempt to protect their stand against criticism or when they approach public to seek their support on programmes, they find themselves in low esteem due to public ignorance about the programmes.

With a view to disseminate informations effectively or educate people with purpose, agencies and organisations should develop and maintain good public relations as a conscious and practiced programme. It should be very clearly understood that any agency or organisation cannot assume to be a thing apart from its community i.e. public. It cannot assume an attitude of separation at one time and seek co-operation at the other. Thus people can be educated effectively about the rules, regulations, programmes, schemes etc in case good and cordial relations are maintained with its target group.

The job of maintaining cordial relationship with their publics, agencies and organisations should understand it clearly that by appointing a Public Relations Officer, they cannot achieve the target instead, each and every person in the structure should behave in a manner which help develop favourable opinion about the agency- its objectives, programmes and intensions.

Good public relations begin at home for its own people and afterwards it should be thrown for outsiders. It is a proven fact that people of the organisation can do much good or damage to the organisations' reputation and image. In case people are not convinced or misinformed of the schemes of programmes, they may not support the same in their private conversations outside. Hence, once the internal staff has been convinced by words and deeds, the programme/scheme can be turned outward with good chances for success.

Inducing people to accept and implement rules, regulations, schemes for safety and security.

After the rules, regulations, schemes, programmes have been framed and communicated to the public, it is the turn to ensure its acceptability and implementation by the target group. It needs stimulating them to take a desired action through motive which is an inner stage that energises, activates and directs the behaviour of people towards doing something expected and not doing things which are not expected to be done. Thus it is inducement by one party to another to engage in action by ensuring that a channel to direct a motive of the person is available. It is clear that enforcing authorities and agencies play an important role in inducing the public

so that not only motives of individuals are properly channelised towards achievement of goals or desired actions but such action oriented behaviour are also maintained in the interest of the society at large.

As per management principles, the induced persons are in a state of 'tension' and put in efforts to reduce tension. It is evident that the level of efforts put in by individuals is dependent upon the level of tension. Tension cases if the efforts made by the people lead to achievement of desired actions. It should be ensured by the organisations and agencies responsible to implement rules and regulations to ensure that such tension reduction efforts leads towards achievement of desired action.

Theories of motivation provide background on the basis of which organisations and agencies should take actions in inducing their target group. It depends on the need of the situation as to which type of motivation should be implemented in a particular case—positive or negative. Cautious efforts be made to select the right motive to induce people to take actions as desired. For example, safety on road is the requirement of both the parties—agencies as well as public may be for different purposes. Too much of punitive actions for violation of rules and regulations may not be an answer to reduce violation. In our law and rules, these are provisions for punishments for default, however, there is hardly any legal provision where a positive approach is indicated for observing rules and regulations as desired. Here it may be considered if any positive means can be incorporated for those who abide by rules and regulations.

With a view to make rules and regulations effective and acceptable, following may be considered :

1. Rules and regulations should be framed keeping in mind the target group and their needs and requirements. It may be considered that people too have their limitations and expectations. Say for example, everybody is in a hurry in the morning while going to his place of work and in the evening while returning back home. Heavy traffic blocks or checking of vehicle in the morning hours is not appreciated by people. We may workout systems which reduce unnecessary, lengthy and time wasting procedures, this will help better public co-operation.
2. The actions and behaviour expected from public should be made known to them in specific and clear terms. Specific, brief and clear rules fall under this category. The existing system of lengthy and complicated rules and regulations with too many provisions only add to confusion and avoidance by people.

3. Peoples' participation in framing of rules and regulations will help agencies/authorities to find out actual requirement of the target group.
4. Adequate publicity be made and training should be provided to the target group in a manner convenient to them.
5. Close rapport between implementing authorities and target groups through periodical interactions and suggestion schemes.

Motor Claim Compensation Proceedings

Dr. R. K. Saxena, L.L.B.

INTRODUCTION

The inflexibility of Common Law principle *actio personalis moritur cum persona* (a personal right of action dies with the person) was loosened by Law Reform (Miscellaneous Provisions) Act, 1934. It was assumed that this Common Law principle was applicable in India also and on that premises the preamble of the Legal Representatives' Suits Act, 1955 was written. The applicability of the principle in India was considered by Supreme Court¹ and held that the application of the maxim was generally confined to actions for damages for defamation, deduction, inducing spouse to remain apart from the other and adultery; and it had no application to actions based on contract or where a trespasser's estate had benefited from wrong done; or to cases involving breaches of fiduciary duties. It was also not found applicable in the cases where the injury caused to the deceased person has tangibly affected his estate or has caused an accretion to the estate of the wrongdoer² or when the claim is decreed and the plaintiff dies pending an appeal against the decree. The reason is that the claim becomes merged in the decree and the decretal debt forms part of the plaintiff's estate devolving on his death on his heirs, executors or administrators.

There is another angle for non-applicability of the maxim and that is when claim is for injuriously affecting the family of the deceased. The Fatal Accidents Acts, 1955 gave vent to it. The law of torts, however, governed the question of liability for and recovery of compensation for death or injury in motor accidents. As a matter of fact, such claims used to be brought either under Law of torts or the Fatal Accidents Act, 1855. The Motor Vehicles Act, 1939 also provided for the procedure for entertainment and disposal of such claims. The controversy then arose as

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1. Official Liquidator, Supreme Bank Ltd. Versus P. A. Tendulkar, (1973) 1 SCC 602, Court of Wards Muzaffarnagar Versus Ayoobya Pressed AIR (1938) All. 306.
 2. M. Veerappa Versus Evelon Sequeira AIR 1988 SC 506.

to what is substantive and procedural law for motor accident claims. The controversy was set at rest with the pronouncement of the view of Supreme Court³ that the Motor Vehicles Act provides the substantive as well as the procedural law in respect of claims arising out of motor accidents.

It emerges that accident cases which were previously dealt with under the law of torts for civil liability and under the provisions of Indian Penal Code for Criminal liability, are now decided under the provisions of Motor Vehicles Act. The principles of law of torts are embodied in modified shape in these provisions of Motor Vehicles Act. In order to provide speedy and cheap remedy to the injured persons and to the legal representatives of those who meet fatal accident, this Act was enacted. It is strange that the conscience of the legislature was pricked at the incidence of road accidents by motor vehicles—an accidental wrong only, but a vast area of intentional wrongs or crime has remained untouched. The victim of a crime is at par with victim of accident case and both should have been treated alike. England paved the way by setting up a scheme to provide compensation for those who suffer personal injuries which are directly attributable to a crime of violence including arson and poisoning⁴. Similar action is needed in our country also so that every victim of injuries and dependents of the deceased may be benefited.

TRIBUNALS

The purpose of setting up claims Tribunals was to substitute the ordinary procedure of the ordinary civil courts with the expeditious and summary procedure with regard to the urgent claims of compensation by the victims of the motor vehicle accidents. The intention of the legislature to enact Sections 165, 166, 168 was to create an altogether new forum for claims arising out of the automobile accidents and to liberate such tribunals from the procedural shackles of civil courts and further widen the award of compensation on larger grounds what appeared just to the tribunal.⁵

Sub-section (1) of Section 165 of Motor Vehicles Act, 1988, empowers the State Government to constitute a claims tribunal by publication of a notification in the Official Gazette. More than one claim tribunal may also be set up and their territorial jurisdiction specified. Sub-Section (1) reads :

(3) Gujarat State Road Transport Corporation Versus Raman Bhai Prabhat Bhai, AIR 1987 SC 1690.

(4) Salmond; Law of Torts, 18th Edn. P. 26.

(5) Bhagat Singh, Sohan Singh Versus Om Sharma, AIR 1983 PPH 94 (FB)

"(1) A State Government may, by notification in the Official Gazette, constitute one or more Motor Accidents Claims Tribunals (hereinafter in this chapter referred to as Claims Tribunal) for such area, as may be specified in the notification for the purpose of adjudicating upon claims of compensation in respect of accidents involving the death of, or bodily injury to, person arising out of the use of motor vehicles, or damages to any property of a third party so arising, or both."

This sub-section makes it quite clear that the State Government has discretion to create one or more tribunals depending on the number of claim petitions. It is to be seen whether constitution of one tribunal in the name of District Judge for whole of the district will mean and include other Additional District Judges working as independent and separate tribunals. In this connection, the notification issued by the State Government of Uttar Pradesh may be examined. This notification was made by the State Government on 7-3-1967 and published in U.P. Govt. Gazette, Part I, dated 18-3-1967 at page 952. Even after the Motor Vehicles Act, 1988 came into force, the same notification is in vogue because it is protected under Section 217. To quote the notification :

"Constitution of Motor Accidents Tribunals U.P. Motor Vehicles Act, 1939, Sec. 110 No. 188 (1) DST/XXX-B-59/DST-66, dated 7-3-1967. In exercise of the power under Sub-Section (1) of Section 110 of the Motor Vehicles Act, 1939 (Act No. IV of 1939), the Governor is pleased to constitute a Motor Accidents Claims Tribunal for the area of jurisdiction of each District Judge of the State of Uttar Pradesh for purpose of the said Section of the Act, and to further appoint the District Judges as the single member of each such Tribunal so constituted for their respective jurisdiction."

This notification specifies the District Judges as the Single member tribunal for each district but in practice almost all the Additional District Judges are functioning as the Tribunals. On query the argument advanced is that the definition of District Judge means and includes Additional District Judges, and thus, the Additional District Judges shall be deemed as District Judge of that district. This interpretation does not appear to be correct because other judicial functionaries such as Civil Judges are also included in the definition of the term of District Judge and those functionaries never heard the claim petitions. Besides, the transfer of claim petition by District Judge to Additional District Judge falsifies the interpretation advanced. Transfer of petition is possible from one member to another and obviously, there is no other member of the tribunal according to the notification.

Thus the hearing of claim petition by other than the District Judge is in violation of the notification.

PROCEDURE

As pointed out earlier, the tribunals are constituted to give speedy relief to the victims and to remain away from the lengthy, complicated and tardy procedure of the civil courts. It is with this view that the application of the provisions of Code of Civil Procedure has been restricted. Alas, the tribunals rarely forget the hang over of civil courts, Section 174 of the Act lays down that the recovery of an amount under an award shall be made as arrears of land revenue by way of issuing recovery certificate to the Collector but instances are when the tribunals itself had issued the order of attachment.

The duty has been cast on the tribunal under Section 168 (2) of the Act, to arrange delivery of copies of the award to the parties concerned expeditiously and in any case within a period of fifteen days from the date of award, but the experience shows that the copies are not made available till applied for and that too after a long period. The result is that the mischief of sub-section (3) of Section 168 is caused. It is not out of place to mention that on the one hand the period of appeal under Section 173 allowed is of ninety days, but on the other hand, the payment of awarded money is required to be made within thirty days under Section 168 (3), and failing which recovery proceedings start. In this way, the provisions of filing an appeal is nullified. The attention of the legislature and State is invited to this anomaly.

The procedure of evidence before the tribunal does not appear to be well defined. Some documents such as first information reports are admitted and accepted on their face value without veracity being ascertained. Some guidelines are required to be drawn.

PARTIES IN THE CLAIM

In the claim petition, the necessary opposite parties are the driver and the owner of the offending vehicles. Besides them, the insurance company with which the vehicle was insured, unless exempted and the State are also necessary parties. The plea of their impleadment is casually taken and summarily disposed of. On the pretext of vicarious liability, the driver of the vehicle is not arrayed as party in some cases and the plea of impleadment is not taken seriously. Similarly, insurance company is sometimes left out. The case-study of such matter is not essential here because it is a subsidiary point of the discussion in this paper.

The principal of vicarious liability is closely related to two Latin maxim "respondent superior" and, "quo facit per altum facit perse". The first maxim means that the principal must answer for the act of his subordinate and the second explains that he, who employs another person to do something, does it himself or in other words, he, who acts through another, is deemed to act in person. According to Lord Simonds,⁶ it is the product of social necessity rather than any judicial principle. The idea behind the application of this principle was that the master had the free choice in selecting a servant and was supposed to control his acts. It can very well be explained by the principle of hire and fire. In the present age, this principle of hire and fire is no more valid and applicable because several restrictions have been imposed in the selection of the servants and in terminating their services. It is, therefore, not possible for the master to take action against the servant for any wrongful act performed by him without the authority of the master. Unless the servant is also made a party, the master shall be put in double jeopardy by way of paying compensation for the wrong committed by the servant, and by keeping him in service. This question came for consideration before His Lordship of Kerala High Court in case⁷ and it was held that if the award was passed against the drivers, who were directly liable and the corporation realised the amount from the servant, the position might improve. If this problem is analysed from the point of law of Torts, the situation is not faraway from solution. When the principle of determination of award only after the liability is fixed can be discarded by incorporating the provision of no fault-liability, the liability of the employer or master for the wrongful act of the servant, can also be discarded or at least modified in the way as was suggested by the Kerala, High Court in the case supra. It has an added advantage of avoiding multiplicity of proceedings. At present, if a master is held liable to pay compensation for the wrongful act solely attributable to the servant and if he wants to recover the same from the servant; the master would be required to file a fresh suit or claim against him or to draw disciplinary proceedings if the servant happen to belong to statutory corporation or institution. Law never encouraged the multiplicity of proceeding or the same matter. It is, therefore, necessary that the servant should be made a necessary party.

Mostly, the tribunals hold the view that the State Govt. is not a necessary party. This point requires a study in depth so that the con-

(6) *Mersey Docks and Harbour Bd versus Coggins* (1947) A Cl, 11.

(7) *Vavacham versus K. S. R. T. C.*, (1992) (2) T. A. C, 547 (Kerala)

fusion may be dispelled. In this connection, the persual of Sub-section (3-A) of Section 3, of the U. P. Motor Gadi (Yatrikar) Adhiniyam, 1962 is necessary. The Sub-section (3-A) reads :

"From the after the commencement of this Sub-Section, there shall further be levied and paid to the State Government a surcharge for the purpose of providing relief to passengers in case of accidents, on the tax and additional tax payable by every passenger carried by a Stage carriage for each journey at a rate not exceeding five percent of the aggregate of such tax and additional tax as the State Government may, by notification, direct."

The reading of the aforesaid Sub-section makes it quite clear that the State Govt. charge an amount of five percent on the tax and additional tax for each journey from every passenger of a stage carriage for the purpose of providing relief to passengers in case of accidents. The fund, so collected with declared motive, should be utilised for awarding compensation in the form of no liability payment and at the time of final award. This recourse cannot be had unless the state is made a party in the claim petition. Because of this provision of U. P. Motor Gadi (Yatrikar) Adhiniyam, 1962, it is imperative that the State should bear the burden or at least share the burden by becoming or being impleaded as necessary party.

COMPENSATION

The compensation, to be given to the victims or the deponents of the deceased in accident cases is dealt with under Sections 140 and 168 of the Motor Vehicles Act, 1968. No-fault-liability compensation-innovation was introduced for the first time by Amending Act 47 of 1982 and a Chapter VII-A in Motor Vehicles Act, 1939 was added. When Motor Vehicles Act, 1988 was enacted the provisions relating to no-fault-liability were retained in chapter X.

The genesis lies in the debate which was started in United Kingdom that the fault based system was unable to compensate the victims of misfortune, and even if some of them got it, the delay nullified the object. The jurists wanted to find out some such remedy either by way of extension of strict liability or to introduce some reform in law of torts so that quick disposal may be made. This debate lead to the constitution of Royal Commission on civil liability and compensation for Personal Injury in 1973. It was headed by Mr. Pearson and therefore, the report, of

the commission is popularly known as Pearson Report: The noteworthy recommendation of the commission was introduction of liability of the State to pay no-fault compensation for motor vehicle at the same rate as was under the industrial injury scheme. The commission further recommended that the payments should be financed by a levy on petrol, initially estimated at one penny a gallon.

The position in India is quite different because the payment of no-fault liability is thrown at the shoulders of the owner, who, under the principle of law of torts, is not answerable till the liability is determined. The instance are when the tribunals did not find the driver of the vehicle responsible for the accident but in the name of no-fault liability, award of payment was given. This social security scheme of the state is unique and different in nature than in Pearson report.

No body can doubt the load thinking that an injured or the dependents of the deceased should get immediate help but it should borne by the State alone from a fund generated therefor. At the conclusion of the claim-petition; if the owner is found liable, the entire amount paid by the State shall be recouped. In this way, the principles of Law of torts shall also not be violated.

QUANTUM OF COMPENSATION :

The most obscure area in the proceedings in the determination of the amount of compensation. The prevalent systems for consideration of assessment of compensation are (i) Interest theory Method; (ii) Multiplier Method taking into consideration the expectancy earning period; and (iii) Other allied social factors. The interest theory method is mainly rejected on account of the speculative prices, inflation, fluctuating banking rates, uncertainty of investments and other allied matters.

The second system is multiplier system under which the total expected income for the remainder of the life expectation is aggregated and appropriate deductions towards uncertainties of life and for lump sum payments all allowed. The Supreme Court in a case⁸ observed that this method is considered unscientific and obsolete. The Court further observed that the appropriate method of assessment of compensation is the method capitalisation of net income choosing a multiplier appropriate to the age of the deceased or the age of the dependents whichever multiplier lower. In his case, the deceased was aged 26 years and multiplier used was of 15. It was observed that having regard to the age of the deceased

8. National Insurance Co. Ltd. Vs. M/s Swarnlata Das & Others, 1993 Supp (2) SCC 743.

that was the appropriate multiplier. In another case⁹, in which the age of the deceased was shown 36 years, multiplier of the 24 was applied. In this case deduction for lump sum payment was not found justified because the case remained pending for about 15 years. It is revealed that different multiplier for different age groups, particularly lower for younger age group and higher for older age group, have been applied. In the third case¹⁰, the life-span was taken to be 70 years and multiplier of 25 for the age of 45 of the deceased was applied. The Court, however, allowed lump sum deduction of 1/5 of the calculated compensation.

It would show that the apex court although applied different multipliers in various cases but it was also observed that it should be reasonable. The Court also allowed deductions. As a matter of fact, the apex Court should lay down the guidelines because the legislature left it at the discretion of tribunals. It would have been better if the schedule as given under Workmen Compensation Act, is provided.

Some High Courts have laid down the guidelines on this connection, Reference can be had to the decisions of Punjab & Haryana¹¹ & Karnataka¹² High Courts. Punjab High Court held that the compensation to be assessed is the pecuniary loss caused to the dependents which should be determined after holding the annual dependency of the dependents to be multiplied by a suitable multiplier. As regards annual dependency, annual income of the deceased was reduced by 1/3 an account of personal expenses of the deceased. It was also held that the average life span of a person is 70 years, and the multiplier of 20 should be outer limit. Normal rule should be multiplier of 16.

Karnataka High Court laid down that the choice of appropriate multiplier is intended to arrive at of "Just" compensation awardable for loss of dependency of dependents of the deceased in a fatal accidents actions, due regard be given to all matters peculiar to and characteristic of, the individual case. The Court further held that deductions are made by an appropriate scaling down and adjustment of the multiplier itself. The deductions may be made of the fact that (a) the deceased might not have lived upto the full age on his life expectancy and that the allowance will necessarily have to be made for the uncertainties and vicissitudes of his own life, (b) even if the deceased had lived upto his normal life expectancy, the possibility and

9. Hardeo Kaur & Others Vs. R. S. T. C. & Another, AIR 1992 S.C. 1261.

10. Jyotana Dey Vs. State of Assam, 1987 (1) A. C. J. 172.

11. Lechman Singh Vs. Gurmit Kaur, 1979 TAC 22 (Five Judges Bench)

12. H. T. Bhandary Vs. Muniyamma, ILR 1985 (2) Kar 2337 (Full Bench)

prospect that he might not have been able to be in gainful occupation owing to illness, injury or other causes, (c) dependents in view of their own age or state of health might themselves not live upto the age upto which the period of dependency was expected to last, (d) the value of the dependency so that the dependents were concerned, might have the prospect of being replaced by some other source as in the case of remarriage of the dependent's widows (e) in the case of the damages in a fatal accidents action, unlike the cases of compensation for acquisition of land, the corpus of the fund itself must be spent out over the period of dependency, (f) Some deductions have to be made on account of the fact that there is a lump sum payment.

The Tribunals generally award compensation for pain and suffering. The question arises whether the compensation for pain and suffering should be awarded to the dependents of the deceased because the person who had undergone the pain and suffering was no more alive. The law of torts does not allow the case of injuries to survive if the injured person has lost his life after some gaps of time. The Karnataka High Court¹³ in a case held that the petition if it was filed by the injured person who subsequently died could not be prosecuted by his legal representatives because the claim of injury does not survive. When the claim of injuries, no more survives, the compensation for pain and suffering to the deceased also becomes doubtful. So long as different view is taken by the Supreme Court, the law laid down by Karnataka High Court should be held applicable. It is in view of this legal proposition that Section 306 of Indian Succession Act was made and it was provided that the executor and administrator in respect of the estate of the deceased are debarred from prosecuting the case.

It is also a common feature that the Tribunals also award expenses incurred in performance of last rites of the deceased. The expenses of last rites are not connected with the facts that the death was caused in the case of accidents but these rites are performance even when the natural death also takes place. Keeping this view, it was held by Rajasthan High Court¹⁴ that the expenses for performing last rites are not admissible.

In this way, these may be instances which should be kept in mind at the time of determining the quantum of compensation.

It may not be out of place to mention that the payment of compensation is made lump sum and chances of the dependents not properly utilising the amount, may not be ruled out. My suggestion, therefore, is that when the

13. Kanumma Va. Dy-General Manager K.S.R.T.C. 1991 (1) TAC-510 (KAR)

14. Chhagan Kanwar and others Va. Pep Singh & Others 1991 (1) TAC-435

compensation is finally decided and determined, the mode of payment should also be changed. It would be better either the full amount is kept in a bank for a specified period and the interest arising out of the said amount, is paid to the claimants or the payment of compensation at least by the Govt. or the statutory Corporations and Institutions be made on instalment basis. It would rule out chance of swindling away with the money.

SUGGESTIONS

In view of the aforesaid discussions, my suggestions in the matter are as follows :—

- 1) The scope of the proceeding of compensation should be enlarged in a way that compensation is awarded not only to the injured persons or victims of the accidental cases but the victims of crime are also covered and benefited.
- 2) The creation of the Crim Tribunals be made on the pattern of Public Services Tribunal so that Tribunals may work wholly for such kind of cases and speedy disposal may be made.
- 3) In order to curb the tendency of filing false cases or cases of exaggerated claims, some Court fees in accordance with the provisions of Court Fees Act, should be levied and if the claims succeed the amount of court fees may be added in the amount awarded.
- 4) The rate of compensation should be determined by the legislature in the same form as is given under the Workmen Compensation Act or the guidelines should be made by the Supreme Court so that uniformity may be achieved.

Motor Vehicle Act and Compensatory Jurisprudence

I. J. Malhotra

III Addl. Distt. & Sess.

Judge, Barabanki.

Hardly any day passes when many human lives are not lost in the motor accidents. Despite elaborate traffic rules, rigid penal provisions, observations of security weeks, there has been no decrease in the number of motor accidents resulting in bodily injury, damage to property and more often into deaths. Our law makers are alive to this situation and have passed laws and statutes from time to time to provide adequate compensation for the families who face serious social economic problems due to the loss of their bread earner in the motor accidents. The procedure for claiming compensation has been made simple, the laws are made more benevolent and the remedy made more speedy and cheaper to give substantial justice in consonance with compensatory jurisprudence. We all know that till 1956 an injured or an authorised representative of the deceased in the motor accident when aggrieved was required to bring a regular suit under the provisions of the Fatal Accidents Act, 1855. The civil suits had got its own implications as it entailed a huge expenditure in the shape of court fees besides impediments of time involved in a regular suit. It was, thus, felt that a cheaper remedy and speedier disposal of the claim was the supreme need of the situation. Hence, Motor Vehicle Act, 1939 was amended and Sections 110-A to 110-F were introduced whereby the motor accident compensation claims to be decided by the Motor Accidents Claims Tribunals. The procedure required for deciding the motor accident claim cases was not like a civil court procedure and more emphasis to be given on the substantial justice rather than on the technicalities of law. In order to make law of motor accident claim compensation more justice oriented, further improvements were made by the amending Act no. 47 of 1982, whereby Sections 92-A to 92-B were inserted in the Motor Vehicle Act of 1939 providing for interim compensation on no fault liability. Thus the legislature has responded from time to time to provide real social justice to the victims of motor accidents, so much so, in 1988 the Motor

Vehicle Act 1939 was repealed and the old Sections 92-A to 110-A were considerably changed and replaced by Sections 140 to 176. That the interim compensation perviously provided by Section 92-A in 1982 was for Rs. 15000/- in death case and Rs. 7500/- in permanent disability case was further enhanced to Rs. 25000/- in death and Rs. 12000/- in permanent disability by replacing Sections 92-A to 140 in the new Motor Vehicle Act of 1988. In addition to that further improvements were made in the new M.V. Act, 1988 to provide cheap and speedy relief to the aggrieved families of motor accidents in the form of enhanced no fault liability, payment of solatium from solatium fund in the hit and run cases and benefit of compensation was also provided to the pillian riders and relaxations were made in the transfer of vehicle scheme of insurance liability.

The task for providing social justice to the aggrieved families of motor accidents is not only confined to the subordinate judiciary but an equal responsibility rests with the executive and the police. While subordinate judiciary is required to decide motor accident claim petitions within six months and the interim compensation to be provided immediately. The Court expects from the petitioner to file the claim petition within six months from the date of the accident and a maximum period of six months can be further extended on a reasonable cause by condoning the delay but after the expiry of one year from the date of the accident, no claim petition can be entertained by the Court and thereby the petitioner is deprived of compensation if he fails to file the claim petition after one year from the date of the accident. In the latest case of *Gurdass Rai Kar Versus National Insurance Company*, (1991) A. C. J. 1980, the Supreme Court has held that no claim petition can be entertained by the Court in any case after the expiry of one year from the date of accident. When the Court is so harsh in regard the extending of the limitation period, it is expected from the Court that it should be equally serious and strict in fulfilling its obligation by disposing claim petitions within six months as provided by the Motor Vehicle Act. In the case of *Haryana State Versus Darshni Devi and others* (1979) 2 S.C.C. 236, the Supreme Court has expected from the subordinate judiciary executive and as well as the police to render substantial social justice to the aggrieved families of the motor accidents in extending all possible cooperation so that the tears may be wiped from the eyes of the victims of the motor accident in the true sence. This mission can be fulfilled by the judiciary in speedy disposal of the case by not involving itself into the technicalities and complications of the law. The insurance companies have also been directed to cooperate by not raising technical and complicated legal objections in defence. The execu-

tive can of course be helpful in executing the award by extending real help in the recovery proceeding of the compensation amount so awarded by the judiciary. In the case *State of Rajasthan Roadways Corporation Versus Narsin Shanker and others*, (1980) 2 S. C. C. 180, the Supreme Court reminded the government about their legal obligations to provide social justice to the victims of the road accidents by not taking any callous and inhuman approach in defending the motor accident cases. In another case of *N.K.B. Brothers Private Limited M. Karunamal Amal and others* (1980) 3 S.C.C. 457, the Insurance Company was cautioned about their legal duties by observing that Insurance company should not resort to technical plea in defence and adopt a humane attitude. In this case simply because the driver was found not guilty of the offence punishable under Section 304-A of the I.P.C. the ground of no any rash and negligence driving on the part of the driver should not have been pressed in contesting the claim petition. The Hon'ble Supreme Court has repeatedly reminded the Insurance Company and the Government from time to time and the latest case is of *Motor Insurance Company Versus Yadav K. Keshav K. Modi and others* (1981) 4 S.C.C. 660, that the approach of the government agencies should be more humane in contesting the claim petition. The subordinate judiciary, executive and the police are assigned different duties under the Motor Vehicle Act for the purpose of rendering social justice to the victims of the motor accidents and it is really painful to note that the real justice to the aggrieved families are not being reached whereby all the above-mentioned three limbs for providing justice have to be rejuvenated to fulfil the real objectives of welfare law as provided under the Motor Vehicle Act. In the latest judgments of the Supreme Court of *Shivaji Dhyanu Patel Versus Basuwal Uttam More* (1991) 2 S.C.C. 777, the Supreme Court has reminded all the concerned agencies engaged in administering compensatory jurisprudence that welfare laws are for the people and not people for the welfare laws and it is therefore expected from the Motor Accident Tribunal to decide Motor Accident Claim Cases as early as possible without going into the technicalities of law and the executive to ensure the compensation applications in hit and run cases are expeditiously decided and the recovery proceedings are made speedy so that the recovery warrants no more remain unexecuted and the police to ensure that the information of the motor accident along with the relevant documents of the vehicle reach to the Motor Accident Claims Tribunal and to the Insurance Company so that compensation proceeding be immediately initiated to provide timely relief to the aggrieved families of the motor accidents.

In the case of a death by motor accident the dependants of the de-

ceased have to undergo great agony when the post mortem of the deceased is conducted. In the criminal case as well as in the compensation claim the post mortem of the deceased is compulsory though the very factum of death can be proved by other evidence like Panchnama etc. The post mortem is such a process which definitely injure the sentiments of the nears and dears of the deceased. However, the Motor Vehicle Act has not given due care to such sentiments. In fact there should be a provision whereby the factum of death in motor accident may be proved without undergaing the process of postmortem. This can be easily done if the Panchnama prepared by the police in presence of the independent witnesses is treated as sufficient proof in regard the death by motor accident.

There is no any settled formula for determination of compensation. So much so, different High Courts follow different system for calculating the compensation. Though there is a lump sum method, multiplier method and interest method in calculating the compensation but the variations still exist which give rise to more confusion hence the Supreme Court should give some consistency by giving a definite formula so that just and reasonable compensation may be awarded by all the High Courts in a uniform manner. There is no any definite measurement in the injury cases hence the lower Courts feel great difficulty in calculating just and reasonable compensation to the victims. If certain categories are made where in children, unmarried persons, working women, housewives, aged persons etc. are put under different categories and a formula be laid down for calculating the compensation. This will help the subordinate judiciary in awarding just and reasonable compensation. If such definite formulas are made available either by the Act itself or by the judicial pronouncement of the highest court of the land then much more substantial justice can be done to the victims of the motor accidents.

The Act is very harsh in regard the time for filling the petition, as the maximum period of limitation given under the Act is six months. Thus after one year of the accident if any person fails to file the claim petition his right is completely extinguished and he is deprived of the compensation. This provision of the Act is not in consonance with social justice.

Generally parties feel great embarrassment and harassment in the claim cases in the form of not producing evidence as required by law. The facts to be proved in the motor accident case are since very limited which need no technicalities and the main question of quantum of compensation can be determined very easily if the settled formulas are made and any lay man having common sense and prudence can easily decide quantum of compensation. Hence in every claim petition it should be made obligatory

upon the parties to refer the matter to the arbitration wherein any person having sufficient knowledge of motor accident law may be appointed an arbitrator. This arbitration clause can itself be incorporated in the Act itself and in case of any injustice done in such arbitration the same can be cured when the award so prepared by the arbitrator is brought before the Court for the purpose of making it a rule of the Court. It is generally experienced that the dependents of the deceased are emotionally disturbed when they appear in the Court to give evidence on oath and to claim compensation on account of death of his near and dear. It is needless to say that in true sense death cannot be compensated in terms of money and the very atmosphere of the Court is not happily welcomed hence the social justice by way of giving compensation to the victims of the motor accident can be quickly and easily done through the arbitration where the atmosphere will be more congenial to the parties and procedure will also be not time consuming.

In all the motor accident claim cases insurance company is invariably a party and the compensation is usually borne by the said insurance company. Hence the claimant on one hand and the insurance company on the other hand by whom the loss is to be generally borne can be easily approached and the matter can be referred to the arbitrator and there is no any apprehension of prejudice being caused to either the claimant or the insurance company. Thus the decision in the motor accident cases would be very quick and real social justice will also be one to the claimant when a just and reasonable compensation is awarded by the arbitrator and the same is confirmed in the Court of Law by making the award a rule of the Court.

I, therefore, suggest the following modifications and moralations in our existing laws:—

- (i) The definition of legal representative should be made clear definite and self contained in the Motor Vehicle Act itself.
- (ii) The limitation period for filing compensation claim should be made more liberal and the provisions of Section 5 of the Limitation Act be made applicable.
- (iii) The compensation claims in hit and run cases should also be brought within the jurisdiction of Motor Accident Claims Tribunal.
- (iv) Motor Accident Claims Tribunal should be set up in each district independently.

- (v) It should be made obligatory upon the Motor Accident Claims Tribunal to decide the main claim petition within six months.
- (vi) The execution of recovery warrants in regard the realisation of compensation should be within the power of the Tribunal and not by the District Magistrates.
- (vii) The Motor Accident Claims should be encouraged to be decided by the arbitration for which the Motor Accident Claims Tribunal should be vested with the power to refer the claim petition to an arbitrator.
- (viii) The post mortem report should not be made compulsory in the claim petition and provision should be made whereby Panchnama may be treated as sufficient evidence for proving the death in motor accidents.

Lord Denning has rightly said that the justice should be on the basis of pragmatism rather than principle for which judiciary should look at the law as an instrument doing justice after understanding the hopes and anxiety of the common man. The success of judicial system depends upon the confidence it gains from the common people. It is, therefore, necessary that judiciary should be revamped and it should act as a commander utilising the services of executive, police and other government agencies. Sri Gopal Swarup Pathak an Ex-Vice President of India and a renowned advocate has rightly said that judiciary is the strongest instrument for bringing about peaceful change in the social life of the nation. It is upon the successful functioning of the judiciary that the future of the democracy in India depends. Thus the reformations in the existing law suggested above will strengthen the judiciary in giving life to the compensatory jurisprudence and doing substantial social justice to the victims of the motor accidents.

Rationalising Compensation in Road-Accident Cases

—V.K. Singh*

“Compensation” means anything given to make things equivalent or recompense for loss or deprivation. It connotes equivalency which adequately remunerates for a loss or deprivation.

Road Accidents are one of the top killers in our country, specially when truck and bus drivers operate nocturnally. “Hit and Run Accidents” which meant the identity of motor vehicle involved in the accident could not be ascertained inspite of reasonable efforts, are on increase and law casts a strict liability on General Insurance Corporation of India to compensate the victims of such accidents. A sum of Rs. 8,500 in case of death and a sum of Rs. 2,000 in case of grievous hurt is to be paid to the victims of such accident (vide : Section 161, Motor Vehicle Act, 1988).

Where the motor vehicle involved in an accident is known, the statute casts an obligation on the owner to pay compensation even when there was no fault on the part of driver. A sum of Rs. 25,000 in case of death, and Rs. 12,000 in case of permanent disablement, is to be paid to the victim who is not required to prove fault or negligence of the owner or driver of the vehicle concerned (Vide Section 140, Motor Vehicle Act),

The victim of a road-accident is, also, entitled to claim compensation on the ground of fault or negligence of the driver or owner of Motor Vehicle involved (vide : Section 141 (3), Motor Vehicle Act). In such cases the amount of compensation is left, entirely, to the discretion of claims-tribunal. The solitary clue for exercise of such discretion is contained, in Section 163 (1) of the Motor Vehicle Act, in following words :

“determine the amount of compensation which appears to it to be just.”

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The expression "just" does not have any added significance as compensation would by itself mean a proper recompense for the loss. Even without the word "just", there can be no doubt that the compensation awarded must be what is considered "just" by the court in the circumstances of the case. However, the Apex Court of our country has said; "the determination of the question of compensation depends on several imponderables. In the assessment of those imponderables, there is likely to be a margin of error."¹ Thus, "there can be no exact uniform rule for measuring the value of human life and the measure of a damages cannot be arrived at by precise mathematical calculation...."²

Now, the question arises; how to rationalise payment of compensation? To answer this moot question, the object of compensation is to be seen.

The object of providing compensation is to mitigate the hardship that has been caused to the legal representatives due to sudden demise of the deceased in the accident. The claim for the monetary injury and loss of dependency caused to the legal representative of the deceased.

Thus, the compensation should be commensurate to the loss suffered. It should not be disproportionate, or inadequate or unreasonable.

But, an invidious distinction exists, in law, between road accident and rail-accident, in so far as the payment of compensation is concerned. The Railway Accidents (Compensation) Rules, 1990, specify the maximum amount of compensation to be given in case of death or injury caused in a rail accident, as under:

	Rupees
(1) For death	2,00,000.00
(2) For loss of both hands or amputation at higher sites.	2,00,000.00
(3) For loss of hand and a foot	2,00,000.00
(4) _____	_____
(5) _____	_____
(6) For very severe facial disfigurement.	2,00,000.00

1. Gobald Motor Service Vs. Veluzwami, 1958-65 ACJ 179.

2. C.K.S. Iyer Vs. T.K. Nair, 1970 ACJ 110.

(7)	For absolute deafness	2,00,000.00
(8)	For amputation through shoulder joint	1,80,000.00
(9)	_____	_____
(10)	For amputation from 8" from tip of acromion to less than 4-1/2" below tip of olecranon	1,40,000.00
(11)	_____	_____
(12)	For loss of thumb	60,000.00
(13)	For loss of thumb and its metacarpal bone	80,000.00
(14)	For loss of four fingers of one hand	1,00,000.00
(15)	For loss of three fingers of one hand	60,000.00
(16)	For loss of two fingers of one hand	40,000.00

Thus, when a passenger travelling by rail dies in an accident, he may get compensation of Rs. 2,00,000.00 yet when the death comes to him through a motor vehicle, he is entitled either to Rs. 8,500.00 from the General Insurance Corporation or 25,000.00 from owner of the vehicle, as the case may be.

Apart from the aforesaid invidious distinction, it, also, comes out that, albeit the Legislature has furnished a statutory guideline for the Railway Claims Tribunal, yet not for the Motor Claims Tribunal. Here, the observations of the Supreme Court should be recalled:

"_____ it is not only just and fair that the Legislature should make suitable provision so as to pay adequate compensation by properly evaluating the precious life of a citizen in its true perspective rather than devaluing human lives on the basis of an artificial mathematical formula."⁹

Therefore, it is the high time to rationalise the payment of compensation, to the victims of road-accidents, by incorporating a guideline in the Motor Vehicle Rules, attune to the Railway Accident (Compensation) Rules, 1990, with a modification that the amount so specified should be taken as

the minimum amount of compensation to be paid to the victim and the claims tribunals be given discretion to award even more sum in suitable cases, after recording special reasons for the same.

But, whatever amount of compensation is awarded to the victim, its socio-economic objective cannot be fulfilled unless he reaps the fruits of the award. The claims-Tribunal, therefore, owes a social obligation to ensure that the amount of compensation may not be squandered away by the middlemen and in some cases by the person involving in adjudicatory process or even by the recipient of compensation. If whole of the compensation money is paid to the claimants who have never handled such huge amounts in their lives, there is a danger of their frittering away the amount for want of fiscal discipline in their lives. With a view to protect such claimants and, thereby, to achieve the socio-economic objective behind the award of compensation, the Gujarat High Court⁴ has laid down following guidelines for the Tribunals :

- (i) The claims Tribunal should, in the cases of minors, invariably order the amount of compensation awarded to the minor invested in long term fixed deposits at least till the date of the minor attaining majority. The expenses incurred by the guardian or next friend may, however, be allowed to be withdrawn ;
- (ii) In the case of illiterate claimants also the Claims Tribunal should follow the procedure set out in (i) above, but if lump sum payment is required for effecting purchases of any moveable or immovable property, such as, agricultural implements, rickshaw, etc., to earn a living, the Tribunal may consider such a request after making sure that the amount is actually spent for the purpose and the demand is not a rouse to withdraw money,
- (iii) In the case of semi-literate persons the Tribunal should ordinarily resort to the procedure set out at (i) above unless it is satisfied, for reasons to be stated in writing, that the whole or part of the amount is required for expanding any existing business or for purchasing some property as mentioned in (ii) above for earning his livelihood, in which case the Tribunal will ensure that the amount is invested for the purpose for which it is demanded and paid;
- (iv) In the case of literate persons also the Tribunal may resort to the procedure indicated in (i) above, subject to the relaxation set out in (ii) and (iii) above, if having regard to the age, fiscal background and strats of society to which the claimant belongs and such other considerations, the Tribunal in the larger interest of the claimant

and with a view to ensuring the safety of the compensation awarded to him thinks it necessary to so order;

- (v) In the case of widows the Claims Tribunal should invariably follow the procedure set out in (i) above;
- (vi) In personal injury cases if further treatment is necessary the Claims Tribunal on being satisfied about the same which shall be recorded in writing, permit withdrawal of such amount as is necessary for incurring the expenses for such treatment ;
- (vii) In all cases in which investment in long term fixed deposits is made it should be on condition that the Bank will not permit any loan or advance on the fixed deposit and interest on the amount invested is paid monthly directly to the claimant or his guardian as the case may be.
- (viii) In all cases Tribunal should grant to the claimants liberty to apply for withdrawal in case of an emergency. To meet with such a contingency, if the amount awarded is substantial, the Claims Tribunal may invest it in more than one Fixed Deposit so that if need be one such F.D.R can be liquidated."

Verily, it is need of the hour to adopt aforesaid procedure in the Motor Vehicle Rules, or in the Motor Accident (Compensation) Rules which are yet to see the light of the day, so that the victim of accident can reap the fruits of compensation.

By incorporating statutory guidelines for determining amount of compensation and also for ensuring proper utilisation of the sum so awarded the Legislature can provide tools to the claims-Tribunal to rationalise the award of compensation to the victims of tragic roads.

Motor Accidents—Compensation Proceedings

Lord Denning so said:^{*}

"A motor vehicle is powerful engine of death and destruction. It is capable of doing much damage to persons and to property unless it is driven with due care and attention. As the number of cars increase and as their speeds get faster and faster, so the danger grows. More and more people are killed, more and more are injured. More and more property is damaged. The sufferers ought not to be left without redress."

2. Population in the country is increasing rapidly and there is also a noticeable change in the life-style of the people. As a result, the number of motor vehicles on the roads is ever increasing and with that vehicular accidents are increasing manifoldly. This raises two main challenges; how to bring about reduction in the number of accidents and how quickly and adequately compensation can be provided to those who are the victims of the motor accidents. This article mainly deals with the second challenge.
3. There cannot at all be any adequate compensation for the loss of human life or serious injury suffered at any accident. Human life is very precious; the life lost is lost forever to the family and the limb gone or disability suffered means serious and constant suffering, both mental and physical is also in terms of earning capacity.
4. The sufferers ought not to be left without redress. Right to claim compensation has origin in the law of torts; a person craves, and needs, to be recompensated against any wrong, damage done or deprivation or loss caused on account of any act, default or neglect of another persons.
5. This fact has necessarily to be kept in mind that, by and large, the poor and the commones are the victims of motor accidents. This is primarily so because of the population composition. It is the vast majority of this section of the society who are on the roads as pedestrians, on cycles, motor-cycles, scooters, tempos, buses etc. Because of their

^{*}In the case of *Launchbury Vs. Mergana*, 1971 (2) QB 245

economic conditions, the family is rendered in complete helpless condition after the bread-earner is gone as a result of fatal accident or becomes invalid as a result of the accident.

6. If the sufferers are left to seek personal remedy against the wrong doer, being mainly the owners of the vehicles, the relief to come in the long run may simply be illusory, the reasons being obvious.

7. It is in this situation that the concept and need of compulsory third party insurance comes up; Section 146 of the Motor Vehicles Act, 1988 provides that no person shall use, or cause or allow any other person to use, a motor vehicle in a public place, unless there is in force a policy of insurance against third party risk. There is, however, exemption from this requirement in respect of the vehicles owned by the Central Govt. or a State Govt. and used for government purposes unconnected with any commercial enterprise. Further the appropriate government has been empowered to exempt from the operation of this condition, any vehicle owned by the government even when used for government purposes connected with any commercial enterprise or by any local authority or any State Transport undertaking. The factual position as it appears is that the Local Bodies, State Transport undertakings and the government vehicles used for commercial purposes have been exempted from this condition. As such, all the vehicles belonging to the Central or State Govt. by a Local Authority or State Transport Corporation ply on the roads without there being third party insurance in respect thereof.

8. Act of Driving any uninsured vehicle has been made punishable under Section 196 of the Motor Vehicles Act, 1988 with imprisonment which may extend to three months or with fine which may extend to Rs. 1,000/- or with both. Curiously enough, this offence has been made compoundable by such officers or authorities and for such amount, as the State Govt. may specify in this behalf.

9. Another benevolent provision made in the said Act is about payment of fixed amount of compensation of Rs. 25,000/- in respect of death and Rs. 12,000/- in respect of any permanent disablement. For such cases there shall be no requirement of establishing that the death or permanent disablement was caused due to any wrongful act, neglect or default of the owner or the owners of the vehicle or vehicles involved in the accident or of any other person. (Sections 140 to 144 of the said 1988 Act)

10. With the objective that compensation claims may be decided speedily, the Law provides for setting up of Special Claims Tribunals. This is also important that a very nominal court-fee, being Rs. 10/- only,

is payable on an application seeking compensation for death or injuries caused by a motor accident. Six months limitation is provided for filing such application; for sufficient cause an application may be entertained within twelve months from the date of the accident.

11. The Law made by the Judicial decisions, Particularly the Supreme Court is positively helping in the objective of providing adequate and speedy relief to the families who are victims of motor accidents.

12. Role of Lok Adalats to secure speedier disposal of the compensation claims deserves special mention. Holding of Lok Adalat is an integral part of the programme of providing Legal Aid to the poor that backward sections of the society to carry out constitutional policy of the Constitution of India. Disposal at the Lok Adalats, by and large, has a positive advantage of securing awards on the basis of mutual compromise. Such disposal not only means quicker disposal of the matter but the very process is inexpensive and results in payment of compensation without recourse to execution proceedings. Delay and expense involved in appeals or any other incidental proceedings is avoided in such settlements.

13. So far so good : With all what has been done to help the victims, they are still a helpless lot. Compensation claims remain pending for years together before the Tribunals. The statistics as per the record of this Board (U.P. State Legal Aid & Advice Board), number of claims pending before the Tribunals in the various districts of the State is around 20,000 fairly large percent of them are pending for more than three years. Position of pendency of appeals at the High Court level is also revealing, being more than five thousands, a considerable number out of them are pending for more than five years.

14. The Institute of Judicial Training and Research deserves appreciation and congratulations for organising this Seminar in the service of the victims of motor accidents. As I understand, Senior Officers from Judiciary, Executive, Police and Insurance industry are participating in this Seminar and the topics to be discussed include causative study of accident contributing factors, motor vehicle trials and the compensation proceedings and remedial measures like traffic safety, education and publicity and statutory and administrative amendments. The ultimate object underlying the discussions and suggestions to be made as a result of the study and consideration at the Seminar is to suggest ways and means to bring about reduction in the rate of motor accidents and to ensure speedy payment of fair and reasonable compensation to the victims of such accidents. This article, as

mentioned already, is confined mainly to the award and speedy payment of fair amount of compensation.

15. The suggestions which I would like to advance for consideration may broadly be under :—

- (1) The role of police in the instant matter is vital-most. It is the police which is the first to act when an accident takes place. Except in the 'Hit and Run' cases, the police reaches on the spot of accident, First Information Report is recorded relating the occurrence and important and useful role ought to be played in making speedy, objective and effective investigation.
- (2) One of the major obstacles in quicker filing and disposal of compensation proceedings is the difficulty and delay in securing the registration certificate, insurance cover and driving licence of the person who was driving the vehicle at the time of the accident and also the certificate of fitness of the vehicle. The claimant cannot file the claim against the Insurance Company concerned unless he is able to secure particulars of the insurance cover and the other documents are essentially needed for successfully sustaining the claim. It is the police officer concerned who can easily manage to get these documents when the vehicle involved in the accident (except in the Hit and Run cases) is seized.

The police has the power to exercise and duty to perform under the Law, in this respect.

Sections 158 and 160 of the Motor Vehicles Act, 1988 are relevant. A police officer is empowered to require the driver of the motor vehicle to produce the aforesaid documents. In the event of the failure of the driver to produce the certificate of insurance at the scene of occurrence, it shall be obligatory for him to do so within 7 days from the date of occurrence at the Police Station concerned.

Section 158 (6) provides that as soon as any FIR relating to motor accident involving death or bodily injury is recorded the officer incharge of the police station concerned is duty bound to forward a copy of the same to the claims Tribunal having jurisdiction with a copy thereof to the concerned Insurance Company.

He is also required under Section 160 of the said Act to provide information relating to the particulars of the vehicle and the name and address of the person who was using the vehicle at the time of accident to the claimant for compensation and the Insurance Company concerned.

Rule 150 of the Central Motor Vehicles Rules, 1989, requires that the reports to be sent under Section 158(6) or Section 160 of the said Act shall be in Form-54. This Form is more direct and explicit on the point requiring the police to give all the necessary particulars of the accident, Registration number etc. of the vehicle, Driving Licence particulars, name and address of the owner of the vehicle at the time of accident, name and address of the Insurance Company with whom the vehicle was insured and particulars of Divisional Officer of the said Insurance Company, particulars of the Insurance policy/certificate and the date of its validity, Registration number of the vehicle. For facility of reference copy of Rule 150 and of Form 54 has been made part of this article as its appendix.

It is unfortunate that the provisions of Section 158 and Section 160 of the said Act are observed more in breach than in its observance. On the basis of the experience at the Lok Adalats organised for motor accident compensation claims, I can confidently say that in case compliance of the requirement of these provisions and submission of the reports in Form-54 of the said rules is ensured, this singular step will go a long way towards speedy disposal of compensation claims before the Tribunals.

- (3) On occasions, an accident results in multiple deaths and injuries, more particularly in hilly districts of the State. If special reports about such occurrences are sent to the Tribunal concerned and to the State Legal Aid Board, that can facilitate speedy filing and disposal of compensation claims.
- (4) There is yet another stage when availability of the documents referred to above can be ensured. When the case comes up before the Magistrate, question of release of the vehicle involved in the accident may be taken up only when the documents or photostate copies thereof have been made available to the court by the owner of the vehicle or any person acting on his behalf. There are directions to that effect issued by the High

Court but somehow not all the Magistrates are doing the needful in this regard.

- (5) There is need for granting high priority in listing and disposal of motor accident claims. These cases should not be treated as, and handled like, ordinary civil cases.
- (6) The Insurance Companies and the Roadways Corporation can also make a positive contribution towards quicker disposal of the compensation claims and in award of fair and proper compensation. They are expected to initiate and complete their home-work as soon as notices are received about the filing of the compensation claims and particulars of the Insurance policy/cover become available to them.
- (7) The Legal Services Act, 1987 has not yet been enforced. On its coming into force, Lok Adalats will acquire legal status. However, even in the present, the programme of Lok Adalats has gained allround acceptance and established its credibility. The Insurance Companies and the Roadways Corporation are participating in this programme and extending their coordination and cooperation in a general way. However, they need to be a little more practical and realistic. They do accept this in unmistakable terms that the settlements at the Lok Adalats are to their positive advantage in the same measure as for the victim families and yet the officers who take part in the Lok Adalats or at its preliminary sittings are usually hesitant in taking decision upon fair and reasonable amount of compensation, knowing at the same time fully well that in the normal course the award of the court will, in all probability, be for a higher amount, besides what may be payable by way of interest and costs of the litigation. The approach underlying the bargaining done by some of them on the face of it is neither fair nor defensible.

Further, only those officers ought to be deputed to take part in the Lok Adalats and its preliminary meetings who are invested with the financial powers to settle the matters on the amount as is fair and reasonable as per the decisions of the Supreme Court and High Courts. The Law on most of the points arising on the subject is fairly well settled and the officers of the Insurance Companies and Roadways Corporation ought to keep themselves well posted with the same because then alone

there can be meaningful contribution and cooperation in this programme of social justice. The Roadways Corporation and the Insurance Companies are not ordinary litigants and their commitment to the objectives underlying the programme is well pronounced and needs to be reflected in the overall performance, moroso when the programme works out to their advantage also.

16. Some suggestions for making certain amendments in the Law can be advanced for consideration :—

- (a) A statutory provision may be made requiring the owner/owners of the vehicle involved in the accident to produce and file the documents referred to above or copies thereof before the Tribunal when notice is received for the purpose in the claim proceedings. Non-compliance of this requirement should entail presumptions against him as regards liability under the claim.
- (b) Provision to make the offence of driving of any uninsured (for third party risk) compoundable may be deleted or suitably amended to ensure that no uninsured vehicle is plied on public roads.
- (c) Provision to permit issue of Third party risk Insurance policy with limited liability be deleted or suitably amended so that the claimants are not denied and deprived of the due compensation because of the condition of limited liability.
- (d) With reference to the provisions of Sections 3 to 11 of the Motor Vehicles Act, 1988 and Rules 14 to 18 of 1989 Rules, driving licences are issued in Form 6. Controversy is quite often raised about the validity of the driving licences with reference to the description of the vehicles, particularly heavy goods vehicle, and heavy passenger motor vehicles. The authorities entrusted with duty to issue licences in the prescribed form fail to specify the precise description of the vehicle. If the person is granted licence for driving a heavy vehicle, he considers himself competent to drive heavy passenger motor vehicle also. To avoid any confusion, about objections raised by the Insurance Companies. It may be useful and expedient to simplify this Form so that the holder of licence for driving any heavy vehicle may lawfully drive both 'heavy goods vehicle' or 'heavy passenger motor vehicle' and likewise holder of a licence for medium vehicle may drive both 'medium goods

vehicle' and 'medium passenger motor vehicle.' The claim of the victim families may not get defeated because of the technical or formal defect in the driving licence issued by the concerned authority.

- (e) Lastly, about the lot of passengers who travel in 'Goods Vehicles' which get involved in accidents resulting in death of or injuries to such persons : Gujarat High Court in *Ambaben Vs. Usmanbhal Amirmiya Sheikh*, 1979 ACJ 292 (Gujarat) observed :

'We must point out that in innumerable cases all over the country, passengers are in fact carried for hire or reward by the driver of the vehicle or sometimes free lifts are given by the drivers of goods vehicles or public service vehicles and if an event occurs which gives rise to a claim against the owner of the vehicle and against the insurer, such passengers who are not carried for hire or reward would have nothing to fall back upon except the claim against the owner of the vehicle. The practice of carrying such passengers is fairly widespread and, therefore, it is desirable that the legislature by suitable amendment makes a provision for covering all risks of injuries to such passengers as well.'

The claims in relation to the passengers carried in a Truck on payment of fare or otherwise are defeated at the instance of the Insurance Companies on the ground that under the terms and conditions of the Insurance policy, it is not open to carry such passengers in a Goods vehicle. It is the poor who generally travel by Trucks and the necessity for making suitable statutory provision to cover the risk in respect of such passengers is very obvious and clear.

(Justice B.L. Loomba) (Retd)
Executive Chairman
U.P. Legal Aid & Advice Board,
LUCKNOW.

APPENDIX-I

**Rules 150 of the Central Motor Vehicles Rules, 1989 and
Form-54**

150. Furnishing of copies of reports to Claims Tribunals.—(1) The police report referred to in Sub-section (6) of Section 158 shall be in Form 54.

(2) A registering authority or a police officer who is required to furnish the required information to the person eligible of claim compensation under Section 160, shall furnish the information in Form 54, within seven days from the date of receipt of the request and on payment of a fee of rupees ten.

Form 54

(See rule 150 (a) and (2))

Accident Information Report

1. Name of the police Station:
2. CR No./Traffic Accident report:
3. Date, time and place of the accident:
4. Name and full address of the Injured/deceased:
5. Name of the Hospital to which he/she was removed:
6. Registration Number of vehicle and type of the vehicle:
7. Driving Licence particulars:
 - (a) Name and address of the driver:
 - (b) Driving licence number and date of expiry:
 - (c) Address of the issuing authority:
 - (d) Badge No. in case of public service vehicle:
8. Name and address of the owner of the vehicle at the time of the accident:
9. Name and address of the Insurance Company with whom the vehicle was insured and the particulars of the Divisional Officer of the said Insurance Company:
10. Number of Insurance Policy/Insurance certificate and the date of validity of the Insurance Policy/Insurance certificate.
11. Registration particulars: class of vehicles _____?
 - (a) Registration No.:
 - (b) Engine No.:
 - (c) Chassis No.:
12. Route Permit Particulars:
13. Action taken, if any, and the result thereof:

Three Methods of estimation of awards and variance and uncertainties therein

R. P. Srivastava

H.J.S.

Joint Director (Trg.) I, J. T. R. U. P., Lucknow

There are three principles governing the estimation of the damages in the cases of fatal motor accident cases.

1. Multiple Method or Discounting Method :

Lord Wright in *Davies case*¹ evolved the method of compensation as under :—

“There is no question hereof what may be called sentimental damage, bereavement or pain and suffering. It is a hard matter of pounds, shillings and pence, subject to the element of reasonable future probabilities. The starting point is the amount of wages which the deceased was earning, the ascertainment of which to some extent may depend on the regularity of his employment. Then there is an estimate of how much was required or expended for his own personal and living expenses. The balance will give a datum of basic figure which, will generally be turned into a lump sum by taking a certain number of years’ purchase. That sum, however has to be taxed down by having due regard to uncertainties, for instance, that the widow might have again married and thus ceased to be dependant, and other like matter of speculation and doubt.”

2. Multiplier Method :

In *Madhya Pradesh State Road Transport Corporation’s case*² the principle regarding the application of multiplier doctrine as laid down in *Malett’s case*³ was approved by the Supreme Court and it was held :—

1. (1942) AC 601

2. AIR 1977 SC 1189 — 1977 ACJ 290

3. 1989 ACJ 312

"A method of assessing damages, usually followed in England, as appears from *Malett vs. Mc Monagle* is to calculate the net pecuniary loss upon an annual basis and to arrive at the total award by multiplying the figure assessed as the amount of the annual 'dependency' by a number of 'years' purchase, that is, the number of years the benefit was expected to last, taking into consideration the imponderable factors in fixing either the multiplier or the multiplicand."

3. Interest yield method :

This method is that the annual loss to the dependants by the death of the deceased is determined and the compensation which would fetch the amount of the interest annually is awarded. The sum to be awarded should be equal to the cost of purchasing an annuity of the relevant amount for the relevant period. If the amount awarded is deposited in any bank it would be possible for the dependants to earn as much money by way of interest as the deceased had been contributing to the dependants. However, the experience shows that this method is most unworkable and inapplicable in the prevailing conditions in India.

VARIANCE AND UNCERTAINTIES

In a Motor Claim Petition the plight of the compensation seekers is enormous. While he is treated apathetically by the personnel who are keen to help him, he is dragged to face detailed but lazy and unencouraging procedure practised by the tribunals and he is to suffer the gallows of the inactionness of the insurance companies and the owners of the vehicles. He even, often, becomes the victim of the varying compensation awards. Different tribunals and different appellate authorities adopt different methods to award compensation to the claimants, placing the poor and helpless litigants in a state of utter helplessness. He wants to know as to why such a different standards are being practised and adopted by different tribunals.

Without being exhaustive, here are some of the cases displaying the different Hon'ble High Courts and even different judges of the same High Court having adopting different criteria for awarding compensation.

For the ready reference the statistics are furnished in the following heads :—

ON ACCOUNT OF LUMP SUM PAYMENT

Supreme Court	:	20%	1987 (1) ACJ
		Not allowed	1992 (1) ACJ
Madras H.C.	:	Allowed	1981 ACJ 399
		Allowed	1981 ACJ 244
		10%	1987 ACJ 858 (2)
		20%	1989 ACJ 413
		1/3rd	1989 ACJ 322
		Allowed	1992 (1) ACJ 58
Delhi H.C	:	15%	1981 ACJ 320
			1981 ACJ 495
			1987 (2) ACJ 980
		Allowed	1981 ACJ 47
		25%	1982 ACJ 14
			424
		Not allowed	1981 ACJ 230,
			231
			1982 ACJ 143
			1986 (1) ACJ 373,
			46,424
			1985 ACJ 543,
			515, 639
			1986 (1) ACJ 38
			1986 (2) ACJ
			1099, 1067, 518
		1/3rd	1986 (2) RCS 818
		10%	1992 ACJ 810
		20%	1992 ACJ 1063
Allahabad H.C.	:	20%	1987 (2) ACJ 731
			1984 ACJ 540
			1985 ACJ 219,
			691
			1987 (1) ACJ 458
			1985 (2) ACJ 764
		33%	1987 (2) ACJ 795
			645, 658, 957,
			1008,
			1983 ACJ 619

		25%	1983 ACJ 97, 354 300, 1984 ACJ 121 1985 ACJ 691 1986 (1) ACJ 91
		30%	1984 ACJ 99
		1/6th	1992 (1) ACJ 253
		Not allowed	1987 (2) ACJ 957, 1008
Bombay H.C.	:	25%	1985 ACJ 282 1986 ACJ (2) 1092 1986 (2) RCS 914
		Allowed	1982 ACJ 666
		1/6th	1986 (1) ACJ 267
		20%	1992 (1) ACJ 332
		Not allowed	1986 (2) ACJ 1110
Andhra Pradesh H.C.	:	1/3rd	1986 (2) ACJ 1016
		1/5th	1987 (1) ACJ 322
		10%	1992 (1) ACJ 251
		Not allowed	1982 ACJ 580 1984 ACJ 198
Madhya Pradesh H.C.	:	Allowed	1984 ACJ 664 1986 (2) ACJ 986 1989 ACJ 572
		1/6th	1986 (2) ACJ 713 1982 (Supp) 416, 359
		5%	1987 (1) ACJ 437
		25%	1982 ACJ 386
		50%	1982 ACJ 386
		15%	1982 ACJ 65
		Not Allowed	1992 ACJ 863 750, 1982 ACJ 629 1984 ACJ 198, 664

Rajasthan H.C.	:	Not allowed	1987 (1) ACJ 547 1982 ACJ 489 1985 ACJ 303 1986 (1) ACJ 207, 219, 1985 (1) ACJ 23, 1986 ACJ 799
		1/5th	1984 ACJ 599
		25%	1985 ACJ 315 1987 (1) ACJ 113
		15%	1992 ACJ 1048
Kernataka H.C.	:	Not allowed	1986 (2) ACJ 561
		Allowed	1984 ACJ 145 1981 ACJ 422
		1/3rd	1982 (Supp) 234
Patna H.C.	:	10%	1985 ACJ 775
		50%	1983 ACJ 327
		25%	1983 ACJ 327
		20%	1992 (1) ACJ 466
J & K H.C.	:	1/6th	1982 ACJ 470
		Allowed	1992 (1) ACJ 466
Orissa H.C.	:	1/6th	1986 (2) ACJ 909 637, 770, 843 1992 ACJ 115 3
		Allowed	1989 ACJ 126
Himachal Pradesh H.C.	:	Allowed	1986 (1) ACJ 69
Calcutta H.C.	:	25%	1992 ACJ 572

ON ACCOUNT OF LIFE INSURANCE

Karnataka H.C.	:	Allowed	1981 ACJ 138 1982 7 (Supp) 457
Delhi H. C.	:	Not allowed	1981 ACJ 495 1982 ACJ 183, 143, 370

1983 ACJ 424,
110
1987 ACJ 543, 515
1986 (2) ACJ 581,
532
1987 (1) ACJ 217
1989 ACJ 317
1992 ACJ 1067

Madhya Pradesh H. C.	:	Not allowed	1982 ACJ 386 1983 ACJ 153 1986 (1) ACJ 149 1986 (2) ACJ 837, 713
Gujarat H. C.	:	Not allowed	1986 ACJ 316
Bombay H. C.	:	Not allowed Allowed	1983 ACJ 177 1986 (1) ACJ 267
Punjab & Haryana H. C.	:	Not allowed	1983 ACJ 203
Allahabad H. C.	:	Not allowed	1983 ACJ 619 1984 ACJ 121 1985 ACJ 179, 363 1992 (1) ACJ 338, 253
Madras H. C.	:	Allowed 1/3rd Not allowed	1984 ACJ 210 1987 (2) ACJ 858 1987 (2) ACJ 858
J & K H. C.	:	Not allowed	1984 ACJ 728
Andhra Pradesh H. C.	:	Not allowed	1985 ACJ 212
Rajasthan H. C.	:	Not allowed	1986 (1) ACJ 269
Orissa H. C.	:	1/8th	1986 (2) ACJ 909
Gauhati H. C.	:	Not allowed	1987 (1) ACJ 7
Himachal Pradesh H. C.	:	Not allowed	1987 (2) ACJ 818

ON ACCOUNT OF MISCELLANEOUS ITEMS

Delhi H. C.	:	Allowed	1981 ACJ 495 1986 (1) ACJ 424
		Not allowed	1981 ACJ 203 1982 ACJ 143 1984 ACJ 134 1985 ACJ 53 1986 (1) ACJ 446, 381 1986 (2) ACJ 1067 1987 (1) ACJ 535 1989 ACJ 317
Himachal Pradesh H. C.	:	Not allowed	1981 ACJ 219 1989 ACJ 13
Gauhati H. C.	:	Not allowed 40%	1982 ACJ 83 1984 ACJ 469
Madhya Pradesh H. C.	:	Allowed	1982 ACJ 386 1982 (Supp) 359 1986 (2) ACJ 837 1989 ACJ 572
Court of Appeal, England	:	Allowed	1982 ACJ 253 1983 ACJ 656
Punjab & Haryana H. C.	:	Allowed Not allowed	1983 ACJ 717 1985 ACJ 209 1986 (1) ACJ 211
Gujarat H. C.	:	Not allowed	1982 (Supp.) 561 1983 ACJ 409
Rajasthan H. C.	:	Not allowed	1983 ACJ 489 1985 ACJ 205, 1989 ACJ 106, 1992 ACJ 1048

Orissa H. C.	:	1/5th	1984 ACJ 106
		Not allowed	1992 (1) ACJ 390
Karnataka H. C.	:	Not allowed	1984 ACJ 145
Bombay H. C.	:	Not allowed	1985 ACJ 282
Allahabad H. C.	:	Not allowed	1985 ACJ 634, 665
			1987 (1) ACJ 40
Calcutta H. C.	:	Not allowed	1987 (1) ACJ 52
Kerala H. C.	:	Not allowed	1993 ACJ 816

ON ACCOUNT OF PERQUISITES

Delhi H. C.	:	Not allowed	1982 ACJ 183, 143, 370
			1983 ACJ 424, 110
			1985 ACJ 543, 629, 53
			1985 ACJ 515
			1986 ACJ 446
			1987 (2) ACJ 835, 317
			1992 ACJ 1067
Karnataka H. C.	:	Allowed	1982 (Supp) 457
			1984 ACJ 145
		Not allowed	1982 (Supp) 457
			1986 (2) ACJ 561
Madhya Pradesh H. C.	:	Not allowed	1982 (Supp) 416
			1983 ACJ 152
			1986 (1) ACJ 149
			1986 (2) ACJ 837, 713
			1992 ACJ 1120
			1992 (2) ACJ 242
Madras H. C.	:	Allowed	1982 (Supp) 428
			1984 ACJ 210
		Not allowed	1987 (2) ACJ 413
Gujarat H. C.	:	Allowed	1982 (Supp) 578
			1987 (1) ACJ 7

Himachal Pradesh H. C.	:	Not allowed	1983 ACJ 70
Punjab & Haryana H. C.	:	Not allowed	1983 ACJ 203, 652
J & K H. C.	:	Not allowed	1984 ACJ 728
Allahabad H. C.	:	Not allowed	1984 ACJ 121 1985 ACJ 363 1987 (2) ACJ 1008 1992 (1) ACJ 252
Bombay H. C.	:	Not allowed	1985 ACJ 382, 141 1986 (1) ACJ 379, 267 1986 (2) ACJ 792, 734
Andhra Pradesh H. C.	:	Allowed	1985 ACJ 212
Rajasthan H. C.	:	Not allowed	1986 (2) ACJ 269 1992 ACJ 678
		Allowed	1987 (1) ACJ 113
Gauhati H. C.	:	Not allowed	1987 (1) ACJ 7
		Allowed	1987 (7) ACJ 7
Orissa H. C.	:	Allowed	1989 ACJ 265
Patna H. C.	:	Allowed	1992 ACJ 727

ON ACCOUNT OF UNCERTAINTIES OF LIFE

Supreme Court	:	20%	1987 (1) ACJ 172
Madras H. C.	:	Allowed	1981 ACJ 399
		10%	1987 (2) ACJ 858
		20%	1989 ACJ 413
		Not allowed	1992 (1) ACJ 58
Delhi H. C.	:	15%	1981 ACJ 320
		1/3rd	1986 ACJ 818
		Not allowed	1986 (1) ACJ 373 1987 (1) ACJ 537, 506 1989 ACJ 41

			1992 ACJ 1063, 1067 1992 (1) ACJ 528
Karnataka H. C.	:	Allowed	1981 ACJ 422 1984 ACJ 145
		1/3rd	1982 (Supp) 243
		Not allowed	1985 ACJ 199
Madhya Pradesh H. C.	:	15%	1982 ACJ 65
		Not allowed	1983 ACJ 629 1984 ACJ 664 1989 ACJ 572
		20%	1986 (2) ACJ 572
Bombay H. C.	:	Allowed	1983 ACJ 666 1985 ACJ 141
		25%	1985 ACJ 282
		1/6th	1986 (1) ACJ 267
Allahabad H. C.	:	25%	1984 ACJ 121 1986 (1) ACJ 334
		20%	1985 ACJ 691
Patna H. C.	:	15%	1983 ACJ 327
Orissa H. C.	:	1/6th	1984 ACJ 106 1986 (2) ACJ 909 637, 770, 843 1992 ACJ 1153
Rajasthan H. C.	:	Not allowed	1985 ACJ 303 1986 (1) ACJ 219
Kerala H. C.	:	1/6th	1987 (1) ACJ 406
		Not allowed	1987 (1) ACJ 251
		1/5th	1992 ACJ 816
Andhra Pradesh H. C.	:	1/5th	1989 ACJ 322

The statistics furnished hereinbefore will clearly reveal that there is no uniformity in awarding compensation or in allowing deduction in the compensation proceedings under the various heads as mentioned above. A tribunal gets light, gets guidance from the Hon'ble High

Court of its own state and the Hon'ble Supreme Court of India and can also reassure its findings by being persuaded by the judgments of the other High Courts. If an uniform pattern is not set up, it will obviously lead to varying pronouncements awarding different compensation to different litigants, though, placed in identical and similar situations. This is not only astonishing to the poor claimants, it also retards the performance of the tribunals and will lead to shake the confidence of the litigants public in the administration of justice, according to law. It is high time, thus, that an expert committee be set up to go through the varying criteria being adopted by the various Hon'ble High Courts with a view to consolidate them together in order to evolve an uniform standard to provide as a reckoner to be followed by the various tribunals.

Compensation proceedings, in fact, are not, strictly speaking, judicial proceedings based on strict application of the statute. Motor Vehicles Act is a socio-economic legislation and it is for the welfare and for the speedy availability of the compensation to the victim or his family. There is, thus, need that the statutory amendments be made on the basis of uniform guidelines provided by the expert committee.

उ० प्र० कानूनी सहायता एवं परामर्श बोर्ड,

वित्तीय वर्ष	लोक अदालतों/ लघु लोक अदालतों (शिबिरो) की संख्या	मोटर दुर्घटना प्रतिकर वार संख्या	दिलाई गयी प्रतिकर की धनराशि	लघु अपराधिक वार संख्या	जुमाने की धनराशि
1981-82	39	—	—	—	सूचना उपलब्ध नहीं
1982-83	12	—	—	—	सूचना उपलब्ध नहीं
1983-84	34	—	—	—	सूचना उपलब्ध नहीं
1984-85	42	—	—	—	सूचना उपलब्ध नहीं
1985-86	127	135	21,23,293-75	46155	5,33,540-00
1986-87	122	1150	2,52,98,453-57	74037	15,73,025-00
1987-88	129	1496	3,62,86,468-73	72336	27,96,236-73
1988-89	174	1867	4,92,80,739-05	94402	36,48,961-00
1989-90	186	2284	7,41,84,235-05	127006	52,54,426-00
1990-91	200	2306	7,55,90,787-15	137714	66,50,239-38
1991-92	253	2496	9,51,51,173-25	132440	70,99,545-07
1992-93	282	3062	12,82,65,155-75	175129	1,16,60,435-70
योग :-	1600	14796	48,61,80,306-30	859219	3,92,16,40888-

एनेक्सी तृतीय तल, जवाहर भवन, लखनऊ ।

वैवाहिक वार 125 सी. अथवा आर.पी. वैवाहिक सी.	दीवानी के मामले	धर्म के मामले	राजस्व के मामले	अन्य मामले	योग	
—	—	—	—	13946	13946	
—	—	—	—	7036	7036	
—	—	—	—	17855	17855	
—	—	—	—	16370	16370	
—	—	3133	—	73339	6231	128993
—	—	2871	—	54177	3516	135751
421	495	6610	1921	77804	12064	173147
226	651	1954	2145	67077	15062	183384
167	561	2579	1946	71777	8080	214400
214	900	2281	3895	69753	5263	222326
323	1244	2197	1330	65817	10578	216425
330	1348	2637	1093	94633	7444	285676
1681	5199	24262	12330	574377	123445	1615309

U.P. Legal Aid &
Annexe Third Floor

Financial year	No. of Lok-Adalats/ Mini Lok-Adalats	Motor Accident Compensation			Petty Criminal	
		No.	Compensation		No.	Fine realised
1981-82	39	—	—	—	Information is not available	
1982-83	12	—	—	—	Information is not available	
1983-84	34	—	—	—	Information is not available	
1984-85	42	—	—	—	Information is not available	
1985-86	127	135	21,23,293-75	46155	5,33,540-00	
1986-87	122	1150	2,52,98,453-57	74037	15,73,025-00	
1987-88	129	1496	3,62,86,466-73	72336	27,96,236-73	
1988-89	174	1867	4,92,80,739-05	94402	36,48,961-00	
1989-90	186	2284	7,41,84,235-05	127006	52,54,426-00	
1990-91	200	2306	7,55,90,787-15	137714	66,50,239-38	
1991-92	253	2496	9,51,51,173-25	132440	70,99,545-07	
1992-93	282	3062	12,82,65,155-75	175129	1,16,60,435-70	
Total	1600	14796	48,61,80,306-30	859219	3,92,16,408-88	

Advice Board

Jawahar Bhawan, Lucknow.

Matrimonial Cases including 125 Cr.P.C.	Civil Cases	Labour Cases	Revenue Cases	Other Cases	Total Cases
	—	—	—	13946	13946
	—	—	—	7036	7036
	—	—	—	17855	17855
	—	—	—	16370	16370
	3133	—	73339	6231	128993
	2871	—	54177	3516	135751
916	6610	1921	77804	12064	173147
877	1954	2145	67077	15062	183384
726	2579	1946	71777	8080	214400
1114	2281	3895	69753	5263	222326
1567	2197	1330	65817	10578	216425
1678	2637	1093	94633	7444	285676
6880	24262	12330	574377	123445	1615309

MOTOR CLAIM COMPENSATION : DEATH CASES

Names of Tribunal & District	Pending on 1.4.91		Compensation Pending on 1.4.92		Compensation Pending on 1.4.93		Compensation Pending on 1.7.93		Compensation Awarded in 1993		Compensation Awarded in 1.7.1993	
	No.	Amount	No.	Amount	No.	Amount	No.	Amount	No.	Amount	No.	Amount
Hardoi	75	17,83,800.00	54	14,89,300.00	53	2,31,000.00	72	—	—	—	—	—
Gorakhpur	271	30,10,809.00	233	49,21,164.18	305	39,76,110.00	279	—	—	—	—	up to 1.7.1993
Bijnor	35	3,84,640.00	27	5,91,000.00	88	6,59,162.00	88	—	—	—	—	—
Siddharthnagar	23	—	43	—	43	9,11,000.00	51	—	—	—	—	—
Azamgarh	137	44,94,220.00	164	22,27,300.00	239	13,84,700.00	263	—	—	—	—	2,33,000.00
Etah	206	27,66,600.00	256	47,74,320.00	451	92,98,131.00	464	—	—	—	—	—
Moradabad	102	1,02,000.00	137	2,82,000.00	153	3,25,000.00	169	—	—	—	—	—
Almora	28	65,000.00	33	4,02,000.00	37	1,60,000.00	36	—	—	—	—	25,000.00
Banda	4	—	22	—	28	3,46,500.00	—	—	—	—	—	—
Lucknow	304	20,67,000.00	343	35,65,000.00	432	44,47,500.00	416	—	—	—	—	—
Sitapur	144	15,11,000.00	139	27,91,440.00	209	29,315.00	228	—	—	—	—	15,92,000.00
Sonbhadra	16	—	16	1,60,000.00	15	2,95,000.00	9	—	—	—	—	—
Pratapgarh	53	26,36,040.50	105	38,29,798.50	128	56,36,825.50	122	—	—	—	—	up to 1.7.1993
Uttarkashi	20	50,000.00	17	4,00,000.00	50	3,57,600.00	65	—	—	—	—	—

Muzaffarnagar	235	24,57,700.00	270	36,91,800.00	338	1,40,95,000.00	347	—
Jhansi	59	6,46,950.00	136	18,96,255.00	154	15,74,941.00	159	2,79,740.00
Kheri	95	28,34,800.00	111	35,05,500.00	129	19,68,800.00	—	1,05,000.00
Mirzapur	70	23,23,200.00	55	27,13,500.00	83	14,69,500.00	101	—
Farrukhabad	159	16,06,000.00	187	29,20,203.00	241	12,70,000.00	250	—
Lalitpur	40	4,52,000.00	48	8,19,500.00	73	4,73,000.00	77	25,000.00
Garhwal	47	7,00,000.00	64	12,70,000.00	71	39,30,000.00	52	39,81,000.00
Chamoli	35	15,39,714.00	80	21,33,400.00	102	1,98,000.00	103	—
Allahabad	503	47,57,370.00	565	62,65,503.52	667	21,66,120.00	693	—
Nainital	457	30,22,481.00	158	21,73,218.00	222	20,58,200.00	603	2,10,400.00

MOTOR CLAIM COMPENSATION : INJURY CASES

Name of Tribunal & District	Pending on 1.4.91	Compensation Awarded in 1991	Pending on 1.4.92	Compensation Awarded in 1992	Pending on 1.4.93	Compensation Awarded in 1993	Pending on 1.7.93	Compensation Awarded in 1993
Hardoi	157	9,88,925.00	156	11,91,700.00	239	1,70,000.00	253	—
Gorakhpur	484	22,18,374.30	296	32,84,912.65	447	23,53,561.21	427	—
Bijnor	19	74,800.00	48	73,000.00	48	1,24,945.00	55	—
Siddharthnagar	2	—	6	—	20	—	22	—
Azamgarh	78	5,91,550.00	83	4,82,250.00	76	31,500.00	73	—
Atah	166	11,58,600.00	249	14,70,348.00	150	4,41,700.00	149	—
Moradabad	104	2,35,000.00	145	4,29,000.00	166	3,45,000.00	183	11,000.00
Almora	18	—	20	1,79,500.00	20	50,000.00	22	—
Banda	6	—	53	1,50,000.00	63	3,20,000.00	—	—
Lucknow	497	7,98,716.35	528	16,14,750.00	615	15,40,479.00	670	—
Sitapur	116	3,34,674.00	145	7,77,480.00	105	8,31,500.00	136	2,22,000.00
Sonbhadra	8	—	2	22,200.00	8	32,000.00	1	—
Pratapgarh	67	12,41,295.00	118	29,59,757.00	154	1,04,75,261.00	168	up to 1.7.93
Uttarkashi	3	—	4	12,000.00	14	10,000.00	5	—

Muzaffarnagar	276	18,99,736.00	332	15,93,100.00	390	1,66,000.00	417	—
Jhansi	147	9,83,746.00	281	8,73,970.00	353	17,37,321.00	421	2,76,761.00
Kheri	7	68,000.00	25	1,40,000.00	25	75,500.00	22	—
Mirzapur	162	4,86,500.00	154	2,47,250.00	157	6,04,250.00	171	—
Farrukhabad	93	4,81,000.00	92	6,74,000.00	126	4,03,500.00	142	—
Lalitpur	67	1,54,250.00	107	2,16,900.00	114	—	116	—
Garhwal	36	5,00,414.00	59	7,20,000.00	53	27,10,750.00	37	1,28,000.00
Chamoli	33	3,95,000.00	92	4,45,000.00	109	90,500.00	114	—
Allahabad	527	26,34,584.50	584	20,73,542.00	638	5,70,700.00	672	—
Nainital	135	29,46,200.00	146	11,31,500.00	250	19,66,500.00	305	3,42,000.00

MAGISTRATE COURT CASES

Name of District Pending on 1.4.1991 Pending on 1.4.1992 Pending on 1.4.1993 Pending on 1.7.1993
 S.279/ S.279/ S.279/ S.279/ S.279/ S.279/ S.279/ S.279/ S.279/ S.279/ S.279/ S.279/ S.279/ S.279/ S.279/

	337	338	304 A	337	338	304 A	337	337	304 A	337	304 A	337	338	304 A
IPC	IPC	IPC	IPC	IPC	IPC	IPC	IPC	IPC	IPC	IPC	IPC	IPC	IPC	IPC
Hardoi	321	349	266	440	490	297	533	633	429	566	699	456		
Gorakhpur	498	—	—	—	453	—	—	—	362	—	—	—	284	
Bijnor	116	—	—	—	162	—	—	—	255	—	—	—	104	
Rai Bareilly	54	—	—	—	102	—	—	—	168	—	—	—	211	
Siddharthnagar	14	15	21	25	20	15	—	—	—	—	—	20	12	18
Azamgarh	161	—	—	—	141	—	—	—	183	—	—	—	217	
Etah	589	—	—	—	605	—	—	—	689	—	—	—	692	
Moradabad	227	—	—	—	269	—	—	—	187	—	—	—	254	
Almora	18	10	13	32	9	16	29	12	24	30	12	18		
Gonda	44	33	37	47	38	50	48	44	43	61	50	59		
Banda	82	96	112	97	87	137	78	91	123	84	76	129		

Motor Accident Compensation Cases

(SUGGESTION FOR EARLY SETTLEMENT)

Victims of Motor Accidents often face great misery and helplessness. The State being a welfare one under the constitution, has constituted Motor Accident Claims Tribunals for giving speedy relief to them by filing their claim petitions. The fact, that the pendency of motor accident compensation cases in various Tribunals is alarming, cannot be denied. Such long pendency not only denies the quick relief to victims of motor accident but also frustrates the basic idea of social security of our society.

By and large, insurer also keenly interested in immediate settlement of claims as a matter of their duties. Claimants on the other hand, by getting quick relief, becomes able to plan to come out from the sufferings. Insurer also relieves from monetary sufferings by way of interest awarded due to delayed awards. In addition a lot of man power deputed for the purposes is also saved.

When both parties are interested in quick settlement than what are the reasons for long pendency of these cases? Some areas, mentioned below have been identified, which, in case, be taken care of, the pendency can be reduced :

Implementation of Provision of S. 158(6) of Motor Vehicles Act, 1988

For insurer, while admitting any liability under any policy, it is mandatory on their part to verify certain documents. i.e.

1. Policy particular and its currency.
2. Registration certificate.
3. Driving Licence.
4. Date, Time and Place of accident, etc.

Since the claimants are not in a position to ascertain or to provide above information and the owner of vehicle by and large are not found cooperative with the Insurer, the cases are not being settled in the desired period as Insurer without verifying the same are not in a position to admit the liability or to indemnify the Insured/Owner.

This position was also felt by the legislature seriously and as such a new provision under S. 158(6) was introduced in new MOTOR VEHICLE ACT, 1988, as also the rule no. 150 was framed in Central Motor Vehicles

Rules, 1989. As per these provisions, it is mandatory on the part of Police Officer, investigating motor accident cases, to prepare a report in Form No. 54 to send it to concerned Motor Accident Claims Tribunals and Insurance Co. This form 54 contains all the relevant information as also the requirements needed by Insurance Co.

Lot of efforts were made for compliances of above provisions at the level of Director Transport, High Court, Allahabad, UP Legal Aid & Advise Board, Committee for Implementation: Legal Aid Scheme, Ministry of Homes, Govt. of India and necessary directions were issued to the concerned Police Authorities. But inspite of all such efforts Insurer are not getting reports of police officer in this regard.

For compliances of above provisions—Suggestions are :

1. More effective steps should be taken to ensure compliances of above provisions.
2. Vehicle/Driver may not be released/bailed unless the above compliances are made or documents/information are collected.
3. While entertaining the Charge Sheet/FR in respect of Motor Accident involving Third Party Cases, the concerned Magistrate should ensure that above mandatory requirements have been complied with by the Police Authorities.

It is sure that once the above compliance is made, the concerned parties will be able to settle the cases at the earliest.

Lok Adalats :

Holding of Lok Adalats under auspices of UP Legal Aid & Advise Board and its committees at District Courts Level has really given a lot of relief to claimants as at this Forum. Large number of cases are settled with desired satisfaction of both the parties. This practice should be encouraged. Frequency of Lok Adalats be increased. One day in each month may be fixed for negotiations between concerned parties (in person) for amicable settlement under the aegis of the UP Legal Aid & Advise Board.

Tribunals :

In UP, the power of Motor Accident Claims Tribunal vests with the Hon'ble District Judges of the concerned Districts. The DJ & ADJs are being entrusted with other judicial work and often with cases requiring urgency, we cannot expect them to devote their exclusive attention in this area. This situation is aggravated by the fact that the accident claims are increasing day by day. Therefore, the administration may consider this situation and if possible, may constitute Tribunals exclusively to entertain and decide such type of claims.

THE ORIENTAL INSURANCE CO. LTD.,
Regional Office, 43- Hazratganj, Lucknow.

Findings, Recommendations

Suggestions - Deliberations

- (1) Priority must be given to the treatment of an injured person, even it may be late to report in police regarding accident.
- (2) In case of death of the earning member of a family the compensation must be proportionate.
- (3) Not only the "just compensation is enough but in fact, it must reach to the victim's family or the victim person, and for that the claim tribunals should follow the guidelines suggested by Hon'ble Mr. Justice A.M. Ahmadi in 1982 in Gujarat High Court whereby that opening of fixed deposit accounts and its operation for withdrawal by the Tribunals, has been suggested.

There should be wide circulation of the aforesaid guidelines through the medium of this Institute and also through the press and media.

- (4) Pre-litigation Scheme "जरत राहत योजना" is also useful for the victims, helping point of view devised recently by G.I.C.
- (5) Provisions of Section 6 of Motor Vehicle Act should be strictly complied with for speedy availability of claim for the claimants.
- (6) Compliance of Rule 54 must be taken into consideration.
- (7) The period of limitation of one year vide Sec. 166(3) read with proviso, be further subjected to delay condonation by tribunal in appropriate cases.
- (8) The burden of proof of negligence be laid on the accident doer rather than on the victim. It should be linked to the principle of res ipsa loquitur.
- (9) Motor Vehicle Act should have self contained definition of "Legal Representative" and it will be better to incorporate the definition of 'Legal Representative' as provided in C.P.C.
- (10) Sentence provisions of Section 304 A of I.P.C. should be revised so as to award more severe sentence in cases of driving running away from the spot after causing accident.

- (11) We must understand the importance of arbitration in the compensatory jurisprudence.
- (12) The post mortem report should not be made compulsory in the claim petition and provision should be made where by Panch-nama may be treated as sufficient evidence for proving the death in motor accidents.
- (13) Court fees be levied to curb the tendency of filing false or exaggerated claims.
- (14) Relevant laws and regulations be amended for doing away with the prerequisite of police diary for treatment of a victim of accident by a hospital or a private practitioner.
- (15) Uniformity be achieved in awarding compensation, in similar situated persons.
- (16) Periodic driving tests be conducted and vehicle check-ups be carried out compulsorily at specified intervals and places.
- (17) Vehicles be designed to keep occupants safe during accidents and crashes.
- (18) Specific road margins be ear marked for slow traffic and pedestrians.
- (19) Remedies be available to such poor person who are victims of the negligence of the lawyer.
- (20) Period of one year should be extended like Sec. 5 of the limitation Act. Otherwise restriction should be deleted from the Act.
- (21) There must be a National Fund for providing quick economic relief to the dependant family members of the deceased in the accident. Even the Govt. workers may be made to contribute towards the national fund. The amount of fine realised from the convict u/s 304 A I.P.C., should be made available for the national fund.

PART—V

Findings, Recommendations and Suggestions

THEME—I :

Causative Study of Accident Contributing Factors :

Causes

(1) Elemental :

- (a) Ever increasing quantum of traffic,
- (b) Overcrowded roads,
- (c) Impregnable darkness at crossings and corners,
- (d) Invisibility of highway signals and bends,
- (e) Haziness from seasons and weathers,
- (f) Fast urbanisation,
- (g) Leap in the number of vehicles automobiles playing on roads,
- (h) Overloading of goods and passengers.

(2) Relative :

- (a) Uneven surface of roads,
- (b) Unscientific speed-breakers,
- (c) Scant width,
- (d) Road geometrics,
- (e) Roadside fixtures,
- (f) Roadside encroachments,
- (g) Dug-up roads,
- (h) Temporary occupation by shops/thelas with or without the knowledge of municipal authorities.

(3) Mental :

- (a) Lack of experience,
- (b) Driving under influence of alcohol and narcotics,
- (c) Stupor,
- (d) Shock from some sudden death in the family,
- (e) Perturbation from some family feud,
- (f) Erroneous judgment,
- (g) Ignorance of rules,
- (h) Emotional disturbances.

(4) Physical :

- (a) Poor eyesight,
- (b) Weakness of limbs,

- (c) Permanent ailment,
- (d) Fatigue,
- (e) Travelling atop the vehicle.
- (f) Playing music inside the vehicle while driving.

(5) Psychological :

- (a) Stubborn mentality for overtaking.
- (b) Consciously infringing the speed limit.
- (c) Habitual dangerous and rash driving.

(6) Mechanical :

- (a) Defective steering and breaks,
- (b) Very old tyres,
- (c) Faulty locks and handles of doors and windows,
- (d) Non-operative road traffic signals.

(7) Unpredictable :

- (a) Unusual behaviour of men and animals on road,
- (b) Kite-flying children on roads,
- (c) Overtaking suddenly without giving indication,
- (d) Stopping vehicle suddenly without giving signal by hand.

THEME—II

Traffic Safety, Education and Publicity :

- (1) Teaching a child from his infancy to imbibe the 'do's and 'dont's' of behaviour and learn how and why to :
 - (a) walk and drive to the left,
 - (b) observe speed-limit,
 - (c) wear a helmet, and
 - (d) avoid consumption of alcohol and drugs, while driving.
- (2) Publicising road safety rules through literature of books written and published by experts in collaboration with police and local bodies.
- (3) Publicising pre and post accident security measures through television, radio, cinema, books, newspapers, roadside boards, pamphlets on petrol pumps and catchy slogans.

- (4) Dictating road safety rules and methods in schools, colleges, factories, melas and fairs, public meets and "traffic training parks".
- (5) Laying down minimum qualifications for drivers as to :
 - (a) Physical fitness.
 - (b) Basic education.
 - (c) Adequate mechanical comprehension.
 - (d) Full knowledge of traffic rules and signals.
- (6) Training drivers through state sponsored scientifically developed training schools.
- (7) Testing drivers six monthly to prevent them from becoming callous and careless as is being done in the Army.
- (8) Instructing drivers through a lively media on a regular basis.
- (9) Guiding on the following lines the implementing agencies in regard to their communications to the public about rules, regulations, schemes and projects :
 - (a) Rules be specific, clear and brief
 - (b) Language intelligible to the people be used.
 - (c) Scheme and projects be designed as per their socio-economic background of the people affected.
 - (d) Continuity of transmission be ensured.
 - (e) Good and effective public relations be maintained by the implementing agencies, for rules to be understood in their true spirit.

THEME—III :

Trial and Compensation proceedings :

- (a) Effective measures be taken to ensure compliance with the provisions of Sec. 158(6) of the Motor Vehicles Act.
- (b) Form No. 54 duly filled up to be, without fail, sent to the Motor Accident Claims Tribunal (MACT) and the Insurance Companies along with the requisite information.
- (c) Claims Tribunals, on the pattern of Public Services Tribunals, be created for speedy disposal of cases.

THEME—IV

Suggestions for Legislative Amendments and Enactments :

- (a) The term 'legal representatives' in Sec. 100(1) of Motor Vehicle Act be defined unambiguously to remove anomalies persisting in the existing interpretations.

- (b) The period of limitation of one year vide Sec. 166(3), read with proviso, be subjected to delay condonation by tribunal in appropriate cases.
- (c) The burden of proof of negligence be laid on the accident-doer rather than the victim. It should be linked to the principle of *res ipsa loquitur*.
- (d) Court fees be levied to curb the tendency of filing false or exaggerated claims.
- (e) Panchnama be treated as sufficient evidence for proving the death in motor accidents and necessity of post-mortem report be dispensed with.
- (f) Relevant laws and regulations be amended for doing away with the pre-requisite of police diary for treatment of a victim of accident by a hospital or a private practitioner.
- (g) Execution of recovery warrants with regard to the realisation of compensation be placed within the power of Tribunal to the custer of the Revenue Authorities.
- (h) Independent tribunals be established in each district for entertaining MACT claim exclusively
 - (i) Compensation claims in "hit and run cases" be brought within the jurisdiction of Motor Accident Claims Tribunal.
 - (j) Uniformity be achieved in the awarding and rate of compensation.
- (k) The pattern of railway compensation or workmen's compensation be adopted.
- (l) The whole amount of compensation be not paid, in lump-sum, to the heirs of the victim. It be invested in longterm fixed deposits and withdrawal allowed only on an application to the Tribunal. In the alternative, some system be devised, whereby a monthly allowance is provided for as under Sec. 125 Cr P.C.
- (m) Strict compliance with Sec. 146 of Motor Vehicles Act 1988 regarding compulsory insurance be exacted.
- (n) Periodic driving tests be conducted and vehicle-check-ups carried out compulsorily at specified intervals and places.
- (o) Vehicles be designed to keep occupants safe during accidents and crashes.
- (p) Specific road margins be earmarked for slow traffic and pedestrians.
- (q) There be mobile emergency care units on highways.