



A COMPARATIVE LEGAL STUDY OF INDIA AND ABROAD TO COMBAT ROAD ACCIDENTS

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I. ABSTRACT

India has the dubious reputation of having the most traffic accidents in the world. According to specialists at the National Transportation Planning and Research Centre (NTPRC), the number of road accidents in India is three times greater than in industrialized nations. In India, there are as many as 35 accidents per 1000 automobiles, compared to 4 to 10 in affluent countries. As the country's road network, motorization, and urbanization have expanded, so has the number of traffic accidents. RTIs (Road traffic incidents) have become one of the primary causes of deaths, disability, and hospitalization, resulting in huge socioeconomic expenses throughout the world. In the process of surveying the literature it has been observed that there has been substantial research conducted in the area of road traffic accidents (RTA), road traffic incidents (RTI), driving behavior analysis for different cities, Accident Analysis and Accident prediction modelling etc. The literature reveals the basic introduction wherein it is stated about measures which can be taken to reduce road accidents in night time

II. INTRODUCTION

India is the nation with the highest population growth. Roads are the primary form of transportation in India, and as the population grows, so will the need for cars and other forms of mobility. Road traffic also brings with it an increase in traffic accidents.

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In India, traffic accidents claim the lives of about 1,50,000 people annually, or around 400 people per day. Many of these accidents are the result of stray animals, such as dogs, calves, cats, and other animals, which are more likely to cause trouble at night because visibility is reduced. According to statistics, there have been 23% more stray animal-related incidents over the previous six years.

The main causes of accidents at night include a lack of street lighting, improperly designed road dividers, and cars using their high beams, which can result in night blindness for just a few seconds and a serious collision. The same thing happened to me in the past while I was riding a two-wheeler home from college at night on a highway without street lights or proper dividers that could block the lights from other cars coming from the opposite side, which resulted in me colliding with a black cow that was sitting in the middle of the road in the pitch-black darkness. The likelihood of such accidents occurring increases during the monsoon season because roads are the cleanest location free of mud, water, and insects at that time. Cows also prefer to sit in the middle of the road during this time because the fast-moving traffic keeps flies and other insects off of the animal's body, but they are unaware that their actions could harm both other people and themselves.

The government is under pressure to take extra precautions on this issue as road safety issues become more sensitive while driving at night because of the dangers of using high beams because every vehicle at night uses high beams, especially on highways. Government can install solar street lights on the roadways, which run on the heat produced by the sun throughout the day and also need less maintenance than traditional street lights, to prevent accidents. Due to their entire reliance on the sun and lack of carbon emissions, solar street lights are also environmentally benign.

Additionally, if government is unable to install street lights on every road owing to cost effectiveness and high maintenance requirements, the next most essential thing that street lights do is install natural barriers, which have several advantages over artificial barriers. The use of natural barriers can aid in the reduction of pollutants, and it can also significantly lower the cost of a divider by 51%. Tulsi shrubs, which serve as a barrier and are also a transparent green material, can be planted on the divider. On the outskirts of cities, such as on state and national highways, etc., these Tulsi plants can be planted. In contrast, it is possible to plant chafa, bougainvillea, and other plants in urban areas.

By releasing oxygen for 20 hours, ozone for 4 hours, and nascent oxygen, the Tulsi plants on the dividers will help to reduce pollution by the road. One of the causes of the traffic accident can be reduced by using these strategies.

Additionally, one can sue a government entity for employee or agency negligence if an accident results from hazardous or unsafe road conditions, but it can be difficult to establish the government's responsibility because drivers are also responsible for exercising extreme

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caution while driving and should never expect perfect road conditions. Although there should be strict regulations on the government's obligation to prevent risky road accidents, they should not be exempt from blame.

Here, in this submission, we will compare the state of the roads, the economy, the laws governing traffic accidents, the judicial system, etc. in India and overseas.

III. Major Reasons for Road Accidents In India

- 1) Over Speeding:** - The phrase "speed thrills on the side of the road, but it kills" is often used. It seems that a lot of drivers are still not aware of the slogan's importance. As a result, excessive speeding is a major factor in fatal collisions. The capacity for achievement in humans is a natural phenomenon. If given the chance, man will undoubtedly reach infinity in terms of speed. An increase in rate, in the event of an accident, increases the likelihood of an accident and the seriousness of the injuries sustained. Accidents involving faster cars are more likely to occur, and the severity of the crash is also greater.
- 2) Drunken driving:** - Drunk driving is a problem in industrialized nations as well, but accidents are more frequent in underdeveloped nations. Driving while intoxicated is strictly forbidden, and enforcement authorities organize various awareness campaigns to spread the word about how dangerous it is. The issue of drunk driving among drivers persists despite these measures. As a result, terrible accidents happen that result in the deaths of several innocent persons. Alcohol when paired with driving, it transforms a fun activity into a catastrophe. Alcohol interferes with focus. It speeds up the body's reaction time. The limbs react to brain commands more slowly. Dizziness makes it difficult to see. Alcohol encourages people to take chances because it makes them less fearful.
- 3) Distraction of the drivers:** - Both outside and within the car, distractions are available. Nowadays, using a cell phone while driving is a major distraction. Despite the efforts of several police organizations, many of us have probably seen drivers using their cell phones while driving. Driving is done with the minor region of the brain, whereas conversing on the phone is done with the main portion. The ability to think swiftly and act quickly is hampered by this part of the brain and thus crashes frequently happen.
- 4) Red light (signal) jumping:** - Red light running is a common practice in India, as drivers frequently disobey the signs. It's common to think that stopping at a red light is a waste of time and gas. According to studies, commuters who correctly obey traffic signals arrive at their destination safely and promptly. A driver who runs a red light puts both their own life and the safety of other drivers on the road in peril. This action by one car encourages the other to follow suit, which leads to gridlock and chaos at the crossing.

5) Other Major Reasons

- Improper training of drivers;
- Callousness and negligence in driving;
- Defects in road infrastructure;
- Lack of Serious Consideration of Road Rules;
- Defects in Road Infrastructure;
- Lack of Strict Enforcement;

IV. Road Safety Organizations in India

The National Road Safety Council (NRSC) was founded as the leading institution for road safety under Section 215 of the Motor Vehicle Act of 1988. The council is made up of delegates from key ministries and non-governmental **organizations** as well as ministers in charge of roads in states and union territories, director generals of police in every state, and (NGOs). The Minister of Road Transport and Highways serves as its chairman. The panel typically meets once a year to offer suggestions for implementing road safety regulations.

V. Road safety Mantras “4Es”

Despite the development of several safety technologies such as airbags and seat belts, the safety situation has not improved in terms of lowering deaths. The major thrusts of accident prevention and control across the world are: -

1) INDIAN ROAD SAFETY ENGINEERING SCENARIO: -

The road transportation system's design, operation, and use are the responsibility of system designers. As a result, they are in charge of determining how safe the entire road safety system is. The efficacy of engineering management in enhancing road and traffic safety depends on how well road authorities apply road safety engineering principles. Road safety audits, accident investigations, and programmes for corrective action are all well-established procedures and methods in many nations.

Without fully weighing the ramifications, many developing countries, including India, have adopted or amended developed-country road standards. The mix of traffic and road use in developing countries is very different from that of wealthy nations. Road accidents can be avoided with better design and a more safety-conscious road network architecture.

2) INDIAN ROAD SAFETY EDUCATION SCENARIO: -

According to statistics, a driver's irresponsibility is to blame for close to 70% of all traffic accidents. This suggests that the driver needs to adopt a different mentality. If people obey traffic laws and practice basic road safety precautions, many tragic incidents can be avoided or prevented.

Successful and long-term development of favorable attitudes towards road safety can only be accomplished through inclusion in the core curriculum of youngsters which can be done in cooperation with several stakeholders, such as transportation authorities, traffic police, health departments, schools, transportation associations, nonprofit organizations, and so forth, road safety awareness must be concentrated on different age groups of school-aged children.

3) INDIAN ROAD SAFETY ENFORCEMENT SCENARIO: -

Effective enforcement takes place when the actions of road users fall inside a specific legal, engineering, and moral framework - when the right of way is really acknowledged. India presents a special challenge because the issue hasn't been fully identified or discussed. Mixed traffic situations provide serious difficulties; for instance, in many cities, the same road is used by over 30 different means of transportation. Non-motorized users are not covered by the Motor Vehicles Act, which solely applies to motorized vehicles. There is no connection between enforcement and engineering, driver education, or road safety awareness campaigns in the absence of a road traffic act. In addition, law enforcement officials lack proper training and their roles and responsibilities are unclear.

4) INDIAN ROAD ENFORCEMENT AND TRAUMA MANAGEMENT SCENARIO:

On India's deteriorating road infrastructure and traffic lights, symbols or road indications are commonly covered beneath trees or posters. The ineffective urban planning in India is disregarded by the authorities.

In India the most crucial hour following an accident, the "Golden Hour," is missed by over 80% of individuals hurt in auto accidents, and 60% of them pass away as a result. More than half of these victims can be rescued if primary emergency treatment were accessible right now. The main reason why the majority of victims cannot receive care is that most areas of India do not have an Emergency Medical Services (EMS) system. Where ambulances are available, they are ill-equipped and only utilised to transfer patients, not to perform life-saving procedures. When victims need assistance, the police, who are typically the first to arrive, are not well trained. The general public is inexperienced and reluctant to help victims out of concern for getting themselves into legal trouble.

VI. Comparision of Laws on Road accidents in India and other countries

There are significant differences in the laws governing road accidents in India compared to other countries. Here are some key points of comparison:

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1. **Liability:** In India, liability in road accidents is primarily based on fault. The party at fault is liable for damages and compensation. In contrast, some other countries have a "no-fault" system, where compensation is paid regardless of who was at fault.
2. **Compensation:** In India, compensation for road accident victims is typically paid by the party at fault, their insurance company, or the Motor Accident Claims Tribunal (MACT). Other countries may have different compensation schemes, such as government-funded schemes or private insurance.
3. **Punishment for drunk driving:** Drunk driving is a serious offence in many countries, including India. However, the penalties for drunk driving can vary widely. In India, the punishment for a first-time offender is a fine and/or imprisonment for up to 6 months, while some countries impose much harsher penalties, such as fines of up to \$10,000 or more and imprisonment for several years.
4. **Speed limits:** In India, speed limits are set by state governments and can vary widely. In some other countries, speed limits are strictly enforced and may be lower than in India.
5. **Safety equipment:** India has laws mandating the use of seat belts and helmets, but enforcement is often lax. In other countries, enforcement may be more stringent and penalties for non-compliance may be higher.

Overall, India's laws on road accidents are similar to those in many other countries in terms of liability and compensation, but there are significant differences in terms of penalties for drunk driving, speed limits, and enforcement of safety equipment laws.

VII. Comparison of Road Safety Measures

Here are some comparisons between road safety measures in India and other countries:

1. **Traffic Rules and Regulations:** India has traffic rules and regulations in place, but enforcement is often lax, and people frequently violate them. In contrast, developed countries such as the United States, Canada, and Europe have strict traffic rules, which are strictly enforced.
2. **Road Infrastructure:** The quality of road infrastructure in India is often poor, leading to accidents due to potholes, uneven surfaces, and lack of proper signage. In contrast, developed countries have excellent road infrastructure with well-maintained roads.
3. **Vehicle Safety Standards:** Vehicle safety standards in India are not as strict as in developed countries, leading to unsafe vehicles on the road. In contrast, developed

countries have stringent safety standards for vehicles, ensuring they are equipped with safety features like airbags, anti-lock braking systems, and seat belts.

- 4. Pedestrian Safety:** Pedestrian safety in India is often neglected, with insufficient pedestrian crossings, poor sidewalks, and lack of awareness among drivers. Developed countries prioritize pedestrian safety with adequate pedestrian crossings, well-maintained sidewalks, and strict laws to protect pedestrians.

5. Public Awareness:

Road safety awareness in India is low, with inadequate education and awareness campaigns. In contrast, developed countries have comprehensive education and awareness campaigns aimed at promoting road safety.

VIII. Legal Framework and traffic laws in India and other countries

The legal framework and traffic laws in India and other countries vary significantly, depending on their political, social, and economic conditions. Here is a brief comparison of the legal framework and traffic laws in India and other countries:

India:

In India, the Motor Vehicles Act, 1988, is the primary legislation governing traffic laws. The act covers various aspects of road transport, including vehicle registration, licensing, insurance, and traffic regulations. Recently, the Motor Vehicles (Amendment) Act, 2019, was passed, which imposes stricter penalties for traffic violations and enhances road safety. The traffic police are responsible for enforcing traffic laws and regulations.

Other Countries:

Each country has its own legal framework and traffic laws that govern the operation of motor vehicles on their roads. Here are some basic information on the legal framework and traffic laws in India and a few other countries.

1) United States:

- The United States has a complex legal framework for traffic laws, which varies by state and local jurisdiction. Each state has its own traffic laws and regulations, which are enforced by state and local law enforcement agencies.
- In the US, traffic laws include speed limits, traffic signals and signs, and DUI (Driving Under the Influence) laws, among others.
- The National Highway Traffic Safety Administration (NHTSA) is responsible for promoting and enforcing traffic safety standards across the country.

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2) United Kingdom:

- The UK has a comprehensive legal framework for traffic laws, which are governed by the Road Traffic Act 1988. The act covers a wide range of traffic offenses, including speeding, careless driving, dangerous driving, and drink driving.
- The UK also uses a points-based system for driver licensing, in which drivers receive points for traffic offenses, with a certain number of points leading to license suspension or revocation.

3) Australia:

- Traffic laws in Australia are governed by a combination of federal, state, and local legislation. Each state and territory has its own traffic laws and regulations, which are enforced by state and local law enforcement agencies.
- Traffic laws in Australia include speed limits, traffic signals and signs, and DUI laws. The Australian government has also implemented various initiatives to promote road safety and reduce traffic accidents, including the National Road Safety Strategy 2011-2020.

4) China:

- Traffic laws in China are governed by the Road Traffic Safety Law, which was implemented in 2004. The law sets out rules for the registration and licensing of motor vehicles and drivers, and establishes standards for road safety.
- Traffic laws in China include speed limits, traffic signals and signs, and DUI laws, among others. The Chinese government has also implemented various campaigns and initiatives to raise awareness about traffic safety.

5) Canada:

In Canada, traffic laws are regulated by the federal government and are enforced by provincial and territorial governments. The Canadian Motor Vehicle Safety Act sets safety standards for vehicles, and the Traffic Safety Act regulates traffic laws.

6) Japan:

In Japan, traffic laws are regulated by the Road Traffic Law and are enforced by the police. The law covers various aspects of road transport, including vehicle registration, licensing, insurance, and traffic regulations.

In conclusion, the legal framework and traffic laws in India and other countries vary significantly, depending on their political, social, and economic conditions. However, most

countries have strict regulations and enforcement mechanisms to ensure road safety and reduce accidents. India has also taken steps to strengthen its legal framework and traffic laws through the Motor Vehicles (Amendment) Act, 2019, but there is a need for better enforcement and awareness.

IX. Conclusion

Road safety is a challenge that both developed and less developed nations are battling. The benefit of less developed nations is that they can adapt appropriate methods that have been tried and true in developed nations.

In conclusion, road safety is a crucial issue in India due to the high number of accidents and fatalities on the roads. Various factors contribute to this, including poor infrastructure, inadequate law enforcement, lack of awareness, and poor driver training. However, there is hope for improving road safety in India. The government, law enforcement agencies, and the public can work together to make significant progress towards reducing the number of road accidents and fatalities.

Improvements can be made by focusing on improving road infrastructure, strengthening law enforcement, increasing awareness and education, improving driver training, and encouraging the use of public transport.

To achieve these improvements, the Indian government must prioritize road safety, allocate sufficient funds to the transportation sector, and work with other stakeholders to implement solutions that can reduce accidents and save lives.

By taking these steps, India can make significant progress towards achieving safer roads for all road users and reducing the number of accidents and fatalities on its roads.

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