

Making our roads safe-The Motor Vehicles (Amendment) Bill, 2017, will rectify systemic issues

The World Health Organisation (WHO) points out that for effective road safety management, it is imperative to have an institutionalised and sustainable data system.

- This includes information pertaining to drivers, such as types of licences held and a record of violation of traffic **laws**. The driver licensing system in India controls and filters the number and quality of drivers on the road
- Currently, the procedure is largely manual, while the number of licences issued per year is over a crore. The inefficiencies of a predominantly manual system, given the scale of licences issued every year, results in lakhs of licences being issued without the prescribed checks and balances.
- In the absence of a central registry, often multiple licences are held by one person for different States. Low penalties for licensing offences allow erring drivers to be behind the wheel and get away with life-threatening violations.

The Bill addresses each of these challenges by introducing technology in the licensing procedure.

- A digitised, uniform and centralised driver licensing system will go a long way in ensuring ease of access, efficiency and transparency in the filtering process.
- Since 2008, in India, over 55,000 children have lost their lives in road accidents. In 2016 alone, 7% of road crash deaths were attributed to children below 18 years
- The Bill proposes to mandate the use of protective headgear by every person above the age of four driving, riding or being carried on a two-wheeler. It provides for measures to be laid down for the safety of children below the age of four. Similarly, the Bill mandates the use of safety belts and child restraints for those under 14 years and introduces a fine of ₹1,000 for the driver or guardian for the violation of the same.

As a signatory to the Brasilia Declaration on Road Safety, India has committed to reducing, by 2020, the number of road crash fatalities and serious injuries by 50%. This will be impossible to achieve if the sole statute governing road safety in India, the Motor Vehicles Act, 1988, is not overhauled. The Motor Vehicles (Amendment) Bill, 2017, will serve as the first and most essential step towards fulfilling this vision.

Reform with caution — on criminal justice system

The Centre's decision to revisit the 2003 report of the Justice V.S. Malimath Committee on reforming the criminal justice system needs to be examined through the prism of civil rights.

It includes

- controversial recommendations such as making confessions to a senior police officer admissible as evidence, and diluting the standard of proof required for a criminal conviction.
- valuable suggestions to revamp the administration of criminal law, covering the entire gamut of the justice system from investigation to sentencing, from matters of policy to the nuances of criminal procedure and the law of evidence
- suggestion on permitting videography of statements has been implemented. The definition of rape has been expanded and new offences against women have been added. Its advocacy of substantial witness protection has not been realised, but victim compensation is now part of law.

Standard of proof on doubt

The Malimath report suggests a standard of proof lower than the current 'beyond reasonable doubt' standard. It moots a 'clear and convincing' standard, that is, it is enough if the court is convinced that something is true. Such a measure would have adverse implications for suspects, and requires considerable deliberation

Madhava Menon Committee

As the Madhava Menon Committee's 'Draft National Policy on Criminal Justice' (2007) noted, such popular dissatisfaction arises from the low rate of conviction, the apparent role of money and influence in the outcome of cases, delayed and denied justice, lack of protection to witnesses and inadequate attention to crime victims

Caution:

Any move to make substantive changes in the way criminal justice is administered will have to be done with great circumspection, lest vital constitutional safeguards against abuse of police and judicial powers are violated in the process. In the name of revamping the law, investigation and trial should not be altered in a way that undermines the principles on which the justice system was founded.

Prelims bit

World Economic Outlook- IMF

Nuna- A recent study suggests new information regarding Australia's history, indicating that a small area of the country was once part of Canada – forming a supercontinent named Nuna.

Parker Solar Probe- Nasa has begun testing its new probe- Parker solar probe- that will 'touch the sun', when it launches into space this summer.

Mains question

- 1. The Centre must act on the Malimath report on criminal law revamp, but with due care. Comment.**