

Road Traffic Accidents In Tamil Nadu: A Study Of Tamil Nadu State Road Transport Corporation

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ABSTRACT

Not a day passes without the appearance of news items of a tragic road accident in the media, millions of lives are lost in road accidents every year all over the world. Nobody ever imagined that the introduction of the automobile would turn roads into graveyards. A variety of factors and battling circumstances which came into play in the causation of accidents. Increasing road accidents is one of the serious problems in transport undertakings. This research paper highlights the frequent road accidents and its harmful effects. Besides, what are the steps taken by the Tamil Nadu State Transport department to control the road traffic accidents and the Traffic enactments and enforcement in Tamil Nadu. Moreover, this article narrates the introduction of Lok-Adalat and its functions in the Tamil Nadu State transport undertaking.

Key Words: Accidents, Transport Undertakings, Motor Vehicle Acts, Drivers, Safety Measures.

Introduction

The term accident cannot be defined accurately in crisp terms. The World Health Organization considered it as “an unpremeditated event resulting in a recognizable injury”.¹ American National Safety Council explains “accident as an occurrence of a sequence of events which usually produces unintended injury, death or property damage”.² The word ‘unpremeditated’ and ‘unintended’ imply the human factor. This definitely rules out accidents like earthquakes, floods, volcanoes and pestilence.³ However, accidents are unexpected incidents beyond human comprehension.

Causes of the Road Accidents

A perusal of available records reveals the fact that throughout the developing world, variety of reasons contributes to the high death toll due to accidents. The main reason includes, overloading of vehicles, low maintenance of standards, poor quality of roads and lack of education and policing. The bad layout of the road and the defective mechanism of the vehicle can be rectified by engineering devices. But the part played by the human being in the sequence of events leading to an accident is a highly complicated one. It is an uphill task to bring him round to discipline behavior on road.⁴ The physiological and psychological make-up of the human being is so varied that it is impossible to bring about a satisfactory uniformity by a set policy. The reaction and temperaments vary from individual to individual, on the basis of sex, age, nationality and social status are also factors for accidents.⁵

Drivers of motor vehicle are also responsible for accidents. The following reasons such as non-observance of traffic rules is solely responsible. If the drivers do not follow the traffic disciplines and rules and drive the vehicle without caution and overtake arbitrarily, the drivers themselves will be responsible for accidents.⁶ Besides the causes attributed to the driver, the condition of the vehicle is also responsible for accidents. Usually, in some of the transport depots, the vehicles are not well maintained. Moreover, lack of adequate lights, inadequate lubrication oil and greese, coolend oil and undertaking improper repair work are some other factors causing engine failures and subsequent accidents.⁷

Apart from this, seventy-five percentages of road accidents are caused due to rash and negligent driving of the drivers and twenty five percent accidents happen due to carelessness of the victim. It is rightly predicted that rashness of vehicle not only consists in high speed, but consists not keeping in mind the rules of safety and prudence. It is seen that without proper test, driving licenses are being issued to the drivers of vehicles. The drivers without having pre requisite qualifications are neither able to read the road-side traffic sign nor have the knowledge of other languages on traffic rules, mostly not aware of road regulations. Some of the drivers, who have defects in their eye-sights, are given the licenses to drive motor vehicles. Many of the drivers who drive heavy vehicles on long routes are addicted to intoxicants and drive the vehicles under that influence on alchocal on over speed. In “Blind” or zigzag curves, these drivers do not blow horns to avoid accidents. They also use high

decibel bulb or gas horns and while driving during night did not use dipper to give pass to another vehicle. This tendency of the heavy vehicle drivers overloaded with goods and passengers, their rash and negligent driving practices and tends to overtake the vehicles on road, often lead their vehicles to fatal accidents. These drivers, against rule, often switch on the focus light at night on light vehicles in place of dipper which results in the drivers of light motor vehicles to lose control over the steering and meet accidents. In case of two wheelers, drivers and pillion riders without wearing head guards are inviting fatal injuries in road mishaps. Young or novice or incapable persons who are driving without licenses and lack of training usually cause accidents on road and injure not only themselves but also the by passers. These factors are some of the reasons for accidents.

Year	No. of Bus Services	No. of Fatal Accidents	Total number of Fatality
2011-2012	19,507	1237	1397
2012-2013	20,500	1233	1382
2013-2014	20,684	1165	1331
2015-2016	20,839	1258	1460

(**Source:** Transport Policy Note 2016-2017, Demand No.48, Government of Tamil Nadu, Chennai, 2016, p.15.)

The above table expressed that the increasing number of fatal accidents from year by year. Even though, Tamil Nadu State Transport Department have a very strict traffic rules and regulations but it happens in every day life.

Harmful Effects

Though accidents are unexpected incidents and many attempts have been taken to avoid the occurrences of such, it has an undesirable effect on society and economy. One of the major harmful effects of road accidents is death of human beings, which is an irrecoverable loss to the family in particular and to the society in general. Accidents also resulted in serious injuries to the victims which led to severe monetary loss to the family spent on medical treatment, besides the physical loss which makes the person physically handicapped forever even in the scientific age.⁸

When a person drives the vehicle, he becomes partially mechanized, and thus his behavior is also affected. The behaviour does not depend upon any law or convention or consideration for other road users. Many a time, speed limits are violated and corners are drastically cut when making turning movements. A psychologist may say that most of the drivers of commercial vehicles are responsible for majority of the accidents that belong to a non-courteous class. It is obvious that if a person meets with an accident and is hospitalized till, he or she recovers, the person will have to take a lot of mental tension and the family members will also have to bear with their mental tension caused because of accidents.⁹

The vehicles involved in accidents will be damaged partially and fully and it is a direct loss to the operator and an indirect loss to the society. After accidents, the owners of the vehicle face severe economic loss in undertaking repair works and to give compensation to the victims. Generally, due to accidents, society as a whole will have to face the loss.

Laws to Regulate Road Accidents

To regulate motor vehicles on road, the Social Welfare Oriented Motor Vehicles Act was enacted in 1939 (by the Act no.4 of 1939) and has been replaced by Motor Vehicles Act, 1988 (by the Act.No.59 of 1988). The said Act has further been amended on 1994 (by the Act No.54 of 1944) with effect from 14th November, 1994. The present Act deals with provisions to provide compensation to victims of road accidents and seeks to provide more deterrent punishment, to the culprits in cases of certain offences.¹⁰

The new Motor Vehicles Act contains provisions regarding instructions for the maintenance of vehicles, limit of speed, limits of weight and limitations on use, the nature and weight of the vehicle, in overloading, erection of traffic signs, guidelines for better traffic regulation, provisions of parking places and halting stations, regulations of driving, and duties of drivers to obey traffic signs. Moreover, the Act prescribes that the driver of a vehicle is required to ply the vehicle only according to

traffic. Leaving the vehicle in dangerous locations, riding on running board or sitting on top or bonnet of vehicle, are depicted in the Act as offences and penalties prescribed for the defaulters.

It is calculated that in cases of disturbance to a driver, he may lose his control over the vehicle. Hence, to provide him free driving facility, obstruction to driver is also treated as an offence. In the case of two wheelers safety measures for drivers and pillion riders, are prescribed and are advised to use of protective head guard¹¹ during driving. The Motor Vehicles Act also stressed the need to protect the welfare of the driver or rider and to save them from grievous injury or death in the events of road accidents.

Usually, during the journey, the driver is instructed to follow certain precautionary measures while crossing the unguarded railway level crossings and to stop his vehicle in certain cases to avoid accidents. The Motor Vehicles Act prescribed that it is the duty of drivers or owners to inform the matter to the concerned authorities and to furnish information of insurance, policy to the accident victim.

Further, provisions of road safety council and committees are also made in this Act. Section 215 provides to discover new ways to prevent and to control the accidents on roads. Hence, it is inferred that the Motor Vehicles Act of India is one of the best pieces of legislation, which not only contains guidelines for the people's welfare to save them from road accidents, but also provides provisions to compensate the victims of road mishaps.¹²

Section 279 of the Act deals with rash and negligent driving. Besides, Section 337 and 338 are equally important as they impose punishments for causing hurt by act endangering life or personal safety of others. But Section 304-A was inserted in Indian Penal Code of 1860 by the Act 27 of 1870, which provides penal provision for causing death by rash or negligent driving.

It is seen that even in cause of fatal accidents due to the reluctance of witnesses and the defects of the investigating officer and non-recording of the relevant evidences at the spot, law. Hence, the investigating officer should know that in these cases, evidence of eye-witnesses, photographs of the spot, seizure of the broken parts of the vehicles and skid marks are relevant as the occasion, cause or effect of the accident cases and expert's opinion are also relevant for punishment. Thus, Motor vehicles Investigator's opinion, on injuries of accident victims is equally relevant and helpful for the success of the prosecution.

Accident Claim Settlement Fund:

Tamil Nadu State Transport Department has introduced one new scheme 'Corpus Fund' has been created during the year 2010 for the speedy and out of court settlement with an intention to give compensation amount to the injured and the legal heirs of the deceased who are affected in the accident involving State Transport Undertakings buses.¹³

According to the Transport Policy Note of Tamil Nadu State Transport Department articulated that the years 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15 respectively a corpus fund of Rs.40 crore has been established with a yearly contribution of Rs.20 crore by the State Government and the balance Rs.20 crore proportionately by all State Transport Undertakings. From the year 2015-16, the above corpus fund was increased from Rs.40 crore to Rs.60 crore with a yearly contribution of Rs.30 crore by the Government and the balance of Rs.30 crore by all State Transport Undertakings.¹⁴ The above Fund is centrally maintained by Tamil Nadu Transport Development Finance Corporation.

Lok-Adalat

The State Transport Undertakings are settling the claims of accident compensation cases from the Corpus Fund through Lok-Adalat which was established during the year 1987. The settlement made by the State Transport Undertakings for the past 5 years are as given in the below table:

Year	No. of Cases	Amount paid through Lok-Adalat (Rs. In Lakhs)
2011-2012	884	997.21
2012-2013	1867	3466.29
2013-2014	1160	569.22
2014-2015	897	1028.14
2015-2016	479	1222.62
Total	5287	7283.48

(Source:Tamil Nadu State Transport Department Policy Note 2016-2017, Demand No.48, Government of Tamil Nadu, Chennai, 2016, p.17.)

The above table defined that totally 5287 cases filed under Lok-Adalat from the year 2011-2016 and totally Rs.7283.48 sanctioned through Lok-Adalat from the Tamil Nadu State Transport Corporation.

Remedial Measures

Apart from the laws and traffic rules enacted by the Transport Department as well as the Government of India, still accidents happening thought out the country. Anyhow, Tamil Nadu State Transport Department has been introduced certain remedial measures to reduce the volume of accidents. Firstly, to check the use of cell phones during driving and consumption of alcohol during duty have been prohibited. Secondly, periodical police check-up and surprise breath analyzing tests by the squads of Transport Department are being conducted to detect the cases of intoxication. In order to take proper rest, crew rest rooms have been upgraded with modern facilities for the health sake of the transport drivers. With the help of Highways and Police Department, action has been taken to prevent accidents by improving roads, signage and traffic movements in accident prone areas. Every year Tamil Nadu State Transport Undertaking issue awards to encourage accident free drivers. In addition, yoga and meditation training camps are being organized to reduce the stress level among the drivers.¹⁵ These were the steps taken by the Tamil Nadu State Road Transport Corporation to reduce the fatal accidents.

Conclusion

Accidents are imminent in a road transport system. Though various reasons are attributed to accidents, sometimes it is beyond human comprehension. Despite various devices were evolved to avoid accidents, accidents are quite frequently occurring. However, with the growth of judiciary and Non-Governmental Organizations attempts were made to pay compensation to the victims of accidents based on the severity of injury or loss of life or property. The Government allots funds from the budgetary provisions to the State Transport Department to pay compensation to the accident victims. The department has to depend on this consolidated fund to pay compensations. At times the number of cases for the realization of compensation may be disproportionate to the available funds with the Transport Department, resulting in default in payment taking into consideration, the nature of default paving a way for court disputes and attachment on transport buses, the Government decided to sanction more funds.

References:

- ¹Oxford Encyclopedia Dictionary, Vol.2, p.9.
- ²Kadiyali, L.R., "Road Transport Demand Forecast for 2000 A.D", *Journal of Indian Road Congress*, 48(3), 1987, pp.353.
- ³Normal H.Dickey, (Ed). *Funk and Wagnalls New Encyclopedia*, Vol.1, 1876, pp-98.
- ⁴Gupta, D.P., 'Towards Road Safety in India', *Indian Highways*, Vol.16, No.22, 1988, pp.87-100.
- ⁵Prabhat Chandra Tripathy, *Contemporary Social Problems and the Law*, New Delhi, 2000, pp.123-125.
- ⁶Letter from the Inspector General of Police to Madras State Transport Department, Lr.No.31622/Acts 1/72, dated 21.08.1972.
- ⁷Made Gowda, J., "Productivity and State Road Transport Corporation-An Appraisal", *Southern Economist*, Vol.34, No.4, January 1, 1996, p.12.
- ⁸*India Today*, dated 15.03.1996, pp.121-122.
- ⁹Panduranga Murthy, C., "Customer Service in Bus Passenger Transportation", *Indian Journal of Transport Management*, Vol.7, No.9, pp.682-684.
- ¹⁰G.O.Ms.No.48, Transport Department, dated 2nd November 1971, pp.5-7.
- ¹¹Motor Vehicles Act, Section 109 to Section 128.
- ¹²G.O.Ms.No.2565, Home Department, dated 26th September 1978, pp.1 - 4.
- ¹³Tamil Nadu State Transport Department Policy Note 2017-2018, Demand No.48 Government of Tamil Nadu, Chennai, 2018, p.15.
- ¹⁴Tamil Nadu State Administrative Report 2012-2013, Chennai, 2013, pp. 16-18.

¹⁵Tamil Nadu State Transport Department Policy Note 2016-2017, Demand No.48,
Government of Tamil Nadu, Chennai, 2016, pp.13-17.