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Truck drivers protest

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Why is in news? Why have truck drivers called for a strike?

Truck drivers announced a month-long strike on January 1 to protest against stricter punishment for hit-and-run cases under the new law, the Bharatiya Nyaya Sanhita (BNS), 2023.

As drivers of trucks, buses, and oil tankers staged demonstrations and blocked roads at several places across States, including Rajasthan, Maharashtra, Punjab, Haryana, Madhya Pradesh, Chhattisgarh, Himachal Pradesh, Jammu and Kashmir, Andhra Pradesh and Karnataka, it led to **fears of fuel shortage**.

On the second day of the strike, the Ministry of Home Affairs (MHA) held a meeting with one of the transporters' bodies, the **All-India Motor Transport Congress (AIMTC)**, to defuse the situation.

Hit-and-run clause:

Section 106 (1) of the BNS says, "Whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may **extend to five years**, and **shall also be liable to fine**."

And **Section 106 (2)** states, "Whoever causes death of any person by rash and negligent driving of vehicle not amounting to culpable homicide, and **escapes without reporting it to a police officer or a Magistrate** soon after the incident, shall be punished with imprisonment of either description of a term which **may extend to ten years**, and shall also be liable to fine."

Currently, under **Section 304A** of the Indian Penal Code (IPC), which will be replaced by the Bharatiya Nyaya Sanhita, the punishment for **causing death by negligence is two years imprisonment and fine, or both**.

The BNS also does not provide the relief provided under **Section 134 in the Motor Vehicles Act, 1988** which lays down the duty of a driver in case of an accident and requires him to **secure medical attention for the injured person** unless "it is not practicable to do so on account of mob fury or any other reason beyond his control."

New Hit and Run Law Criticisms and Concerns:

The new hit-and-run law under Bharatiya Nyaya Sanhita imposes **harsher penalties**, including up to 10 years in jail and a 7 lakh rupees fine, as **opposed to the previous punishment** of two years in jail and a smaller fine.

Some **private transport operators express concerns** that the stringent law may discourage drivers, potentially leading to unjust punishments and impacting the willingness of individuals to take up driving roles.

Operators worry about the **potential for mob violence** when drivers attempt to transport injured individuals to hospitals, fearing a hostile reaction from bystanders or communities.

Truck drivers, in particular, are concerned that law enforcement may **hastily blame larger vehicles without thorough investigation**, potentially leading to unjust accusations and penalties.

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The industry raises concerns about **potential harassment, extortion, unnecessary detention**, and legal consequences for drivers, adding to the challenges faced by those in the transportation sector.

Other road safety measures:

Brasilia Declaration 2015: It aims to remove road safety and focuses at reduction of traffic deaths by the end of this decade.

S. Sunder committee: The main recommendations of the Committee include **creation of the National Road Safety & Traffic Management Board**. The board will act as an **apex body** at national level to **promote road safety and traffic management** in the country.

Motor Vehicles Act 1988: The Motor Vehicles Act 1988 is an Act of the Parliament of India which **regulates all aspects of road transport vehicles**. The act was amended in 2019, 2022.

Motor vehicle amendment act 2019: Motor Vehicle Accident Fund provides a funding mechanism which would provide compulsory insurance cover to all road users in India for certain types of accidents.

National Road Safety Board: It provides for a Board to be created by the Central Government through a notification.

Road accidents data about hit-and-run cases:

A **total number of 4,61,312 road accidents were reported** across the country in the calendar year 2022, claiming 1,68,491 lives. Of these, **56% accidents and 60.5% of fatalities** occurred on **National and State Highways**.

Trucks accounted for **9% of total accident deaths** and buses 3.5%.

As per the data of **Road Accidents in India Report – 2022** **'Hit from Back'** accounted for the largest share in total accidents death (19.5%), followed by **'Hit and Run'** and **'Head on Collision'** which account for **18.1% and 15.7%** respectively.

The report also mentioned the position of Hit and Run **under Motor Vehicle Amendment Act, 2019**.

Suggestions:

Truck drivers are a vulnerable category of road users and easy targets for the police who tend to deem drivers of heavier vehicles guilty, says **Chairman of Institute of Road Traffic Education**.

Therefore, there is a **need for police training in not just implementing the IPC** (now BNS), but **also in how to establish rash and negligent driving with the help of driving regulations** such as the Motor Vehicles Act, 1988, and Motor Vehicles (Driving) Regulations 2017.

He also underlined the **need for better use of forensic evidence** for violations such as speeding by capturing tyre marks, which is absent.

There are **many factors beyond the control of drivers of heavy vehicles**, such as assigning the left-most lane on roads for buses and trucks which are also used by cyclists and even pedestrians where there are no footpaths.

And finally, there is the **issue of driver fatigue** which should be addressed by regulating their working hours as well as ensuring that their truck cabins are ergonomic so that they are comfortable and in better control of the vehicle they are driving.