CHAPTER II

ROAD TRAFFIC SAFETY ENVIRONMENT

AND HUMAN RIGHTS
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AND HUMAN RIGHT

Nazi death camps and others atrocities committed against individuals and groups during World War II prompted concern for the protection and promotion of international human rights. While the U.N. charter makes repeated reference to human rights, Article I expressly states that "respect for human rights and for fundamental freedom for all without distinction to race, sex, language or religion is a primary goal of the U.N.

The concept of human rights or liberty has two aspect, a positive aspect that focuses on freedom to participate in the decision making processes of the group. And the negative aspect that considers an individual's freedom from governmental or societal constraints.

The positive concept of liberty is based on the realization that unlimited liberty would lead quickly to anarchy, the law of the jungle and the triumph of the strong over the weak. There can be no civilized and just society without a social and legal order. Inherent in the positive concept of liberty is a need for some compulsion, but law and order must
be self imposed. In the traffic environment, having a valid license to drive, driving on the left and side of the road, mandatory stopping at red light are some of the provisions falling under the positive concept of liberty.

The second meaning of liberty – the negative concept of absence of restrain is of more recent origin. Liberalism, in its classic meaning as the least possible interference by government with the individual, is the political expression of the negative aspect of liberty. Use of crash helmets and safety belts are often resisted by many on the plea of the right to liberty. Democracy and liberalism often support each other, but emphasize different values. Democracy stresses equality, under which each person may participate in government or the community without any special privileges on the basis of colour, religion, wealth, class, or sex. Liberalism stresses the values of individuality against the pressures of the group, and therefore opposes repression by the majority as much as by any individual or ruling elite.

Our constitution provides certain fundamental rights to citizens, which have far reaching effects on promoting road traffic safety and safe
traffic environment. However, these basic rights are being infringed and they negative effects on road safety and the environment. Placed below are some fundamental rights, enjoyed by citizens of India and examples highlighting how these fundamental rights are being infringed and how they affect road safety and the road environment.

**ARTICLE 14 EQUALITY BEFORE LAW:**

The State shall not deny any person equality before law or equal protection of laws within the territory of India.

**ARTICLE 15 PROHIBITION OF DISCRIMINATION ON GROUNDS OF RELIGION, CASTE, SEX OR PLACE OF BIRTH:**

No citizen on grounds only religion, race, caste, sex, place of birth, or any of them be subject to any disability, liability, restriction or condition with regard to... ...roads maintained out of public funds. There are some Directive Principles of State Policy which also stress right to equality.
ARTICLE 38: STATE TO SECURE A SOCIAL ORDER FOR THE PROMOTION OF WELFARE OF PEOPLE:

The State shall, in particular, strive to minimize the inequalities and endeavor to eliminate inequalities in status, facilities and opportunities, not amongst individuals but also amongst groups of people residing in different areas engaged in different vacations.

ARTICLE 39: (a) That the citizens, men and women equally have the right to an adequate means of livelihood.

(b) That the ownership and control of the material resources of the community are so distributed as best to sub serve the common good.

The introduction of equity concerns into urban transport is relatively less explicit and less emphasized than the two goals of efficiency and quality. Transport projects are usually evaluated by cost benefit analysis which is concerned exclusively with efficiency i.e. maximizing the net benefits of the public investments. However, the overall evaluation of programmes depends on other criteria, the most notable of which
is equity. Equity or fairness is concerned with how benefits and burdens of government action are distributed in the society.

The impact of transportation does not appear to fall evenly across the whole area or on different segments of the population. The non-users may be subject to the noise and air pollution caused by the automobile user. The poor may get much worse transit services than the rich. The metropolitan transportation system often leaves unserved those who most need service; the poor, the handicapped, the secondary worker, the elderly, the women and the young. It is generally felt that the elite groups get away traffic violations more often than those at the lower end of the social ladder.

PUBLIC POLICIES TOWARDS VEHICLES MOBILITY:

One major and clearly apparent reason for the ever widening mobility gap between those which have and those who lack access to a motor vehicle has been due to public policies were directed towards vehicular mobility. As a result of this, the transport rich have become richer, while the transport deprived or poor have become poorer. Mobility is like civil rights, taken for granted by those who have it.
Until mobility is denied, a person rarely begins to appreciate how much his attitude, hopes, aspirations and even his own faith in his own self determination depend on his ability to move when and where he desires. Rich, successful and able bodied people cannot fully grasp the frustration, discouragement or despair of those trapped psychologically and/or physically in their own areas or houses. It is hard for the outsiders to grasp what it means to be unable to travel or feel confident and unafraid of movement.

DISCRIMINATION BETWEEN THE RURAL AND URBAN RESIDENT:— The Constitution provides that no citizens on ground only of......places of birth be subjected to restriction with regard to roads maintained out of public funds. However, there is a lot of discrimination in the provision of rural and urban roads. There are still over 50% (52%) villages which are not connected with all weather roads and children of those villages have not even seen trains or other motorized vehicles.

Transportation has serious impact on the lives and welfare of the rural people. For them transport is an issue of survival rather than convenience. In many parts of the country there now appears to
have developed a continuing poverty syndrome related to the immobility of the working poor in rural areas. Access to other opportunities like health, education, vocational training also declines in rural areas due to lack of transport facilities. Women in these areas still have to walk long on slippery and muddy roads to bring water and fuel wood and they sustain serious injuries due to falls on these unworkable roads. They are denied medical help and his during child birth. Children also have to walk a long way and even cross-streams to reach their schools. Many boys from rich families refused to marry girls from a village in Tamil Nadu as it was not accessible to buses.

**DISCRIMINATION AMONG VARIOUS SECTIONS OF THE SOCIETY:**

Certain sections of the society are too old, too young or too physically, emotionally or financially handicapped to drive, a quite different kind of danger may be involved. Human rights are denied because of unsafe situation or certain groups like women, children, the elderly, the poor, pedestrians and bicyclists.
The travel desires of the poor are the same as those of the well to do. They travel less simply because they lack to own and run a private vehicle and/or they cannot afford the cost of public transport. This is confirmed by the positive income elasticity found in many case studies. Similarly, physically handicapped people make fewer trips because of structural obstacles, fear for safety and cost. They more dependent on their families and friends to take them on trips than the general population is. The best thing for the physically handicapped people is an expanded bus system with some minor modifications like lower stairs, wider doors for entrance and exit, and the reserved seats near the front. Buses should be modified with ramps for wheel chairs. The door to door transportation in a vehicle with lifts and downs should be introduced. The elderly make fewer trips percapita than the national average, due to retirement from the labour force and deteriorating health. Walking is a common form of transportation for them. Sociable visits and visits to institutions of religion are vital in their life styles but they are unable to make these visits due to lack of transportation.
The problem of the elderly pedestrian is two fold: traffic today is markedly worse than it was 20 years ago and walking is more difficult for old people. Many find today's traffic both dangerous and frightening, especially for crossing main road. Often the elderly people remarks, "Walking for us is too slow, difficult, and wearisome."

In addition to having to cope with the speed and increased volume of traffic on the roads, elderly people have slower reactions to danger. They walk more slowly, often with a stick or a frame and they find that insufficient time is allowed for crossing at busy intersections. The lack of an auditory signal at lights, controlled crossings and steep kerbs are additional hazards for those whose physical health and especially eyesight is poor.

Elderly people in cities, most of whom are pedestrians from necessity, therefore, have the worst of both worlds. They bear the social cost of busier roads, higher vehicle exhaust levels and deteriorating conditions for the pedestrians, generally a stage in life when physically they walking increasingly difficult. Their need for a cheap, reliable, sensibly routed public transport service is therefore even greater than that of other non-car owners. Unfortunately these
requirements are seldom met.

Accidents are not the only distressing consequence of an unsafe transport system; danger generates the fear of accidents, both in travelers themselves and in other people on their behalf, for example in parents for their children. Many journeys are not made which would be made in safer conditions and restricts the activities of the would be travelers. Once again, it is walking and cycling that are most affected, and it is children, women, old people and the less affluent who suffer the most. Many destinations are beyond comfortable walking range and walkways are not safe. The width of the walkways are not adequate. Also, the side walkers are not properly surfaced and kept from obstructions and encroachments. The subways and over bridges are not provided in adequate number. Traffic control devices at intersections are not proper. The instruction of automobiles into pedestrian territory further complicates the walkers’ problem. The roads are widened at the cost of narrowing the footpaths.

Present transport policies, far from letting people chose what they want, are forcing them into a new way of life which, despite its
evident attractions, is in many ways needlessly ugly, brutal and inefficient. Above all, it is unjust. Those who chiefly suffer its deficiencies are the old, the young, the inform, the women and the poor i.e. all those who do not have ready access to a private mode and they comprise over 70 to 75 % of the total population. Teenage girls, for example, find it difficult to get a two-wheeler to go to evening classes or other activities in the absence of public transport. It is much more difficult and markedly dangerous for girls to get casual lifts offered by strangers. More considerations to the already well served sections of road users like providing expressways, providing high powered vehicles etc. also create unsafe situations for the already vulnerable groups. The interests of motorists and businessmen are strongly represented. Those of children, old people, housewives and others who make up the masses of pedestrians, cyclists and bus passengers are not. It is right that we should speak up for them.

The lack of pedestrian facilities like footpaths or safe crossing zones and disrespect of motorists for pedestrians at zebra crossings, keep pedestrians permanently exposed to danger, and also
strengthen the low opinion of drivers towards them by further devaluing the most general and natural means of transport.

**FUNDAMENTAL RIGHTS STATING**

**FREEDOM OF MOVEMENT:**

**ARTICLE 19: RIGHT TO FREEDOM:**

Includes freedom of movement apart from other freedom such as freedom of speech and expression.

Though the constitution provides right to movement, there are many examples which depict how the right has been negated to most almost to two-third of the total population either by denying opportunities to move altogether or being forced to move around unsafely. Lack of facilities to walk safely in one’s city and being subjected to miserable conditions in overcrowded and inhuman buses are glaring examples where basic human rights are infringed everyday.

**RIGHT NOT ADEQUATELY AVAILABLE TO WOMEN**

Women represent about half the total population yet the transport benefits are not provided to them, rather affected women rely more on walking, public transport and lifts the transport modes which have generally declined both in quantity and quality. Women perform more
shopping trips, travel more with infants and children, travel in off peak period, feel personal insecurity during night time and have less personal modes of transport: all these factors deprive them of their basic right to movement. In second generation metropolitan cities of India women drive more mopeds, two wheelers, bicyclists. Which is not so in mega cities and so their mobility is significantly curtailed. Sometimes they can't even select the job of their choice. In a single vehicle family the husband has first right on vehicle.

FREEDOM OF MOVEMENT RIGHT DENIED TO CHILDREN

The worst sufferers are the children in urban areas, Due to high accidents risk prevailing in metropolitan cities and urban areas of India, parents are reluctant to send children out alone. For many of their activities, their parents are escorting them. Earlier children used to do cycling or walking alone. However, it is rare now. Also, they are dependent on modes of transport for their educational trips, which are quite unsafe.... Be it a cycle-rickshaw, auto rickshaw or school bus— they are being transported like freight and not human beings. There
is too much overloading observed in these modes. However, neither the public authorities like school principals, transport managers' etc. nor the parents open their eyes even after the infamous bus tragedy in Delhi two years ago in which a speeding school bus rammed into the parapet of bridge and plunged into river.

ENCROACHMENT PROBLEM NEGATING MOVEMENT RIGHT TO ALL ROAD USERS:

The encroachment problem fast spreading to all the cities due to rise in human and vehicle population, residential areas fast converting into commercial ones, road users behaviour and lack of enforcement t, definitely curb the rights of all road users, be they the pedestrians, cyclists or motorists and endangers road safety, give to other environmental problems like air noise pollution and pose discomforts in walking and driving and thus infringe the right to movement.

The landscape is disappearing behind a cluster of billboards. The roads in major cities are in undated by floods of outdoor advertisements. These signs are allowed to clobber the landscape
because the public is apathetic towards them. There seems to be a nexus between the authorities and the billboard lobbies; they put their business before anyone else's safety and pleasure. These hoardings aren't essential. Apart from denying millions of people motoring enjoyment they serve also as safety hazards and environment pollutants.

**Aggressive Behaviour of Motor Vehicles Driving:**

The analysis of accident records reveals that the highest number of persons killed are pedestrians and the killers are the heavy vehicles and buses. A person engaged as helper to the truck driver is initially most often very mild and yielding. The moment he is given charge of driving a heavy vehicle, after the passage of time, he becomes quite powerful because he thinks he is commanding the power of the auto engine. The power induces a number of traits like drinking and driving and the most important trait he acquires is aggressive behaviour. The power makes the person aggressive. The aggressive behaviour is well depicted in the movement of his vehicle. He does not like to be overtaken, wants to run the same speed even when other road users have the right of way, wants to follow his own whims. This aggressive behaviour in traffic operation is quite dangers and causes
accidents. The pedestrian is the small fry in the traffic system and his movement is curtailed due to the aggression and rage of heavy and fast vehicle drivers. This aggressive behaviour, often called road rage, nowadays, is seen to be extending to other categories of motor vehicle drivers in congested urban areas.

FUNDAMENTAL RIGHT STATING PROTECTION OF LIFE AND PERSONAL LIBERTY

ARTICLE 21: PROTECTION OF LIFE AND PERSONAL LIBERTY:

The term right to life cannot be confined only to taking away of life. The term 'life' is something more than mere animal existence.

ACCIDENT RISK IS RISING:

Accident risk is quite serious in the metropolitan cities of India. The number of both road traffic accidents and fatalities is rising in all the 23 metropolitan cities. Traffic safety in metropolitan cities, which denotes deaths per 10,000 vehicles is 3.2 times higher as compared to India as a whole (8.2 for cities and 26.5 for India in
1991), the personal safety which is deaths per lakh of population is 1.4 times less as compared to India as a whole (9.5 for cities and 6.7 for India). Also India tops the world so far as the total number of road fatalities is considered -- around 80,000 persons loss their lives per annum.

Due to lack of public transport modes, people in metropolitan cities of India are compelled to use risky personalized modes like cycles and scooters creating many road safety and environmental problems. The main reasons for rising MTV fatalities in Indian cities are the helmet wear law not being mandatory in the majority of cities, passenger overloading, absence of any driver training facilities, non-provision of facilities to pedestrians and cyclists, underage drivers and road user behaviour.

The section 134 of the Motor Vehicles Act makes it obligatory on the driver or the person in-charge of the vehicle to convey the injured person to the nearest hospital. It is also the duty of every registered medical practitioner at hand to attend to the injured person without waiting for any procedural formalities. In actual practice it has been experienced that the driver causing an accident
fears to take the injured person to the hospital or a medical practitioner. In Delhi alone, around one third road traffic accidents are hit and run cases. Also the medical practitioners and certain hospitals refuse to treat the patient despite assurances from the authorities from time to time. So, the road users find their lives in danger.

HELMET WEAR LAW:

Making helmet wear compulsory in all the states has become quite a controversial subject in so far as human rights of personal liberty and protection of life are concerned. Many people argue that making helmet wear compulsory by law would infringe the right of personal liberty as it should be left to the discretion of the individual to wear it or not to wear it. However, people who support this law argue that the decision of the individual not to wear the helmet would have its effects on the other sections of society e.g. if an unhelmeted person meets with a fatal accident, not only his near and dear ones suffer but also other people as medical, transportation, legal costs go up. So it is a social cost and it infringe the rights of
other people. The same applies to fixing charges or penalizing a person who inflict noise and air pollution costs on other persons through their activities.

**FUNDAMENTAL RIGHT STATING RIGHT TO CONSTITUTIONAL REMEDIES:**

**ARTICLE 32:** The right to move the Supreme Court for enforcement of Fundamental Rules.

**IGNORANCE OF RULES AND REGULATIONS:**

In India, just like in other developing countries, the majority of road users are ignorant about the traffic rules and regulations and if they are unaware they cannot move the courts. According to Traffic Police Department, Mumbai records, 55% fatalities were caused due to pedestrians rushing across the road or crossing carelessly, 13.7% fatalities were due to non-observance of traffic rules and 21.5% result from driving under the influence of liquor.

A survey conducted by CRRI, New Delhi, demonstrated that the awareness level in regard to rules and regulations for the use of roads is far from satisfactory. Road users lacked knowledge about
priority rules and overtaking maneuvers. On the whole, only 27% of road understood the meaning of different control devices such as traffic signs and traffic markings. In another study carried out by CRRI, it was observed that only 25% truck drivers were aware of the road signs. Even the law enforcing agencies are not aware of the traffic rules and regulations as was observed by CRRI faculty while imparting training to traffic police personnel.

**DETERIORATING TRAFFIC LAW ENFORCEMENT**: In India metropolitan cities, the traffic law enforcement has gradually been deteriorating during the last two decades due to rise in human and vehicle population and strength of traffic police not matching the growth of human and vehicle population. The Traffic Police Department are ill-equipped and untrained for the tasks they have to perform. There is a general lack of selective enforcement strategies, co-ordination with supporting agencies, effective traffic rules, etc. Traffic Police Organization also suffer from the fact that is no minimum fixed tenure posting assurance for staff. By the time a person gets experienced is traffic control, he is transferred to other police functions.
The number of challans and hence the probability of apprehension of traffic law violators is very low in the majority of Indian cities. Court procedures are slow and very time consuming. There is disproportionate emphasis placed in static violations in comparison to moving violations like abrupt lane changing, over-speeding, jumping red lights etc. which safety. The data analyzed of some of the metropolitan cities shows this pattern. Over speeding seems to be the more common cause of road traffic accidents in a majority of the cities in India. However, the prosecutions for this offence were not found to be more than 6% in any city. Similarly, drunken driving was also not monitored in most of the cities. It is essential that those traffic offences, which have direct impact on the occurrence of road traffic accidents, should be accorded a higher priority in traffic monitoring and enforcement.

Thousands of automobile accidents take place annually on Indian roads in which citizens suffer loss of life or limb or their health is irreparably impaired to such a degree as to render life a burden and source of utmost misery. Though families face serious socio-economic problems on account of the involvement of the
main bread winner in the accidents, the percentage of persons who come to the Motor Accidents Claims Tribunals to claim compensation is small.

LACK OF ROAD SAFETY EDUCATION:
In India, just like in many other developing countries, lack of knowledge of road safety rules itself can be a major factor towards non-observance of such rules in actual practice which is responsible for the chaos and unsafe conditions on the roads on most cities. If people are not aware of the rules, how can they move the courts for enforcement of such rules. People are devoid of training and education, which are needed to promote road safety

Recently traffic police personnel in some of the metropolitan cities of India have been assigned the task of imparting road safety education to schoolchildren. Some voluntary organizations and home guards have also joined their hands in this endeavor. However, as traffic police personnel are overburdened with the work and they are themselves untrained in road safety matters, they usually consider it as a burden only. There is a need to involve other organizations, the press and other media etc., in imparting and
spreading road safety education. Recently, in Mumbai one voluntary organization moved a Writ Petition for the rights of pedestrians and sought to get the footpaths de-encroached. Moves like these only will help in protecting the human rights of road users.

DIRECTIVE PRINCIPLES OF STATE POLICY STATING PROTECTION AND IMPROVEMENT OF ENVIRONMENT:

ARTICLE 47: Duty of the state to raise the level of nutrition and standard of living and improve public health.

ARTICLE 48 A: Protection and improvement of environment and safeguarding of forests and wild life.

ARTICLE 49: Protection of monuments, places and objects and national importance and noise abatement.

AIR AND NOISE POLLUTION AFFECTING PUBLIC HEALTH AND TRAFFIC SAFETY:

Vehicular pollution is no longer just an intangible threat in metropolitan cities of India. Delhi’s prest vehicular air pollution load is approximately 1700 tones per day. Nearly 15 % children suffer from asthama alone. Respiratory disorders are 12 times higher in
Delhi against the national average. According to a World Bank Study, the estimated health cost of ambient air pollution in Delhi alone is in the Rs. 350-1400 crore range.

Vehicular emissions can cause health effects by interacting with molecules crucial to biochemical or physiological processes of the human body. The very young and the elderly are particularly susceptible to deleterious effects while persons with asthma and pre-existing respiratory and cardiac diseases may experience aggravated symptoms upon exposure.

Various pollutants from vehicles produce toxic system effects. The pollutants such as CO, hydrocarbons etc cause health effects leading to neurobehavioral effects, cardiovascular effects, fibrinolysis effects and prenatal effects. Exposure to high levels of lead, may lead to functional disorders of gastro intestinal tract, damage the kidney, bones and teeth. Infants and children below five are particularly vulnerable, causing, lowering of IQ and neurological development in them. Prenatal exposure produces toxic effects leading to reduction in gestational age, birth weight and may even
cause still births. The possibility of lead intoxication should be considered in case of automotive personnel who exhibit unexplained illness and persistent or progressive features consistent with this disorder such as fatigue, headache, dizziness, insomnia, anemia and various neurons-muscular features.

The potentially disastrous effects of air pollution on heavily traveled arterials and city streets are increasingly being felt. It is apparent that the impairment of driver vision and health under these circumstances can affect traffic safety. Such situations lead to relative sensory deprivation caused by a reduction of visual and auditory faculties. The toxic effects of petrochemical fumes trapped at low level under certain situati-on cause adverse effects on perception and judgment. Carbon monoxide, provided by vehicles up to 90 % in cities, cause severe driver fatigue coupled with prolonged reaction time and impaired judgment concerning speed, time and distance. Such decreased performance could persist for several hours.

The noise generated in our larger cities is assuming greater proportions. Noise pollution poses a distinct threat to personal
health, emotional stability and driver efficiency. Experimental studies indicate that noise may be an important stressor to the cardiovascular system, which already is rendered more vulnerable by the stress of the traffic. Investigators have demonstrated elevated cholesterol levels, permanent damage to the hearing mechanism and profound emotional changes—often conducive to violence—under the influence of steady-state noise. It has been proved that a lot of diseases are associated with noise pollution. The impinging of noise of particular frequencies send certain signals throughout the human body which can affect normal working of important organs like the heart and brain system.

The Ministry of Environment has stipulated sound levels as 55.65 decibels for residential areas, 65-75 for commercial areas and 45.55 for silence zones (areas adjoining school and hospitals). The survey at Delhi revealed that at many places noise was above those prescribed levels. Places like Raja Garden, ITO, Shakarpur and Moti Nagar recorded sound level of 86 to 88 decibels. Even silence zones like AIIMS has one of the highest levels of noise.
The burden of fossil fuel through road transport and other activities is causing numerous problems for humanity as a whole. Nearly 60 percent of the fuel is consumed by the road transport operations. The air-conditioning of motor vehicles and release of CFC - the refrigerating agents that causes long-term consequences towards the maintenance of neutrality of the atmosphere. These refrigerating agents act towards the depletion of the ozone layer in the stratosphere.

NON-PROTECTION OF MONUMENTS:

Apart from monetary losses, air pollution eats away our beloved cultural treasures. In Athens, acid deposition has caused more erosion on the marble Parthenon in the last 24 years than had occurred in 24 centuries. The Taj Mahal, The Roman Coliseums, The Westminster Abbey are all suffering similar damages. Is combustion our contribution to the arts?

Environmental litigation is of recent origin in India. During a short span of time, the Indian judiciary not only has successfully undertaken a complex task of balancing the environmental and development concerns but in the process of its adjudication of cases,
evolved new principles of environmental jurisprudence. The judiciary that hitherto had not been seen has set up a few new trends in the legal system.

**EXPANSION OF ARTICLE 21:**

**THE RIGHT TO LIFE:**

The role of the Indian judiciary in interpreting the constitutional provisions in the light of changed socio-economic perspective is worth appreciating. It has introduced many changes in the Constitution through its judicial activism.

This judicial activism was the aftermath of Maneka Gandhi’s case, which opened new frontiers in Article 21. Various High Courts in some cases have observed environmental degradation as violative of the fundamental right to life. The Supreme Court of India in number of cases has also followed the expanding frontier of Article 21. It was in the case of Subhash Kumar v. State of Bihar, that the apex court explicitly recognized the right to wholesome environment included in Article 21, of the constitution when it held: “Right to live is a fundamental under Article 21 of the constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life. If anything
endangers or impairs that quality of life in derogation of laws, a citizen has the right to have recourse to Article 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life.

Thus the Indian judiciary has shown unprecedented dynamism by expanding the scope of Article 21 by including in it the right to wholesome environment. This feat is remarkable insofar as even some of the developed countries have yet to achieve such distinction. It still remains to be seen as to whether a developing country like India can sincerely and effectively allow enforcement of this fundamental right to live in a clean environmental; nonethe less such innovative approaches would certainly help to prevent further degradation of our environment.

JUDICIAL ACTIVISM:

The second new judicial trend in environmental litigation has been noticed in the form of the court’s assumption of executive functions and judicial legislation. The judiciary has in many public interest litigations ingressed into fields traditionally reserved for the executive when and where the courts have found the executive response missing or deficient.
A new principle of absolute liability was propounded by Justice Bhagwati in the following words:

"We are of the view that an enterprise which is engaged in hazardous or inherently dangerous industry which poses a potential threat to the health and safety of the persons working in the factory and residing in the surrounding area owes an absolute and non-delegable duty to the community to ensure that no harm results to anyone on account of hazardous or the inherently dangerous nature of activity which it has undertaken. We would therefore hold that where an enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous and inherently dangerous activity resulting for example, in the escape of toxic fads the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operates vis-à-vis the principle of strict liability under the rule in Rayland v. Fletcher.

This judicial legislation filled in the gaps in the law, which existed prior to the adoption of public liability Insurance Act, 1991. Such judicial legislation, despite its having now been incorporated in the statute.
still remains a good law though the apex court has declined to apply its principle relating to award of damage in subsequent cases.

PROBLEM OF MONITORING POLLUTION:

The Supreme Court, in the case of M.C.Mehta v. Union of India, has come to the rescue of the helpless public exposed to the grave damages and to health hazards created by vehicular emissions from more than 1.8 million vehicles plying in Delhi by directing the transport authorities to take to their task of monitoring the vehicular emissions in an effective way. The court, concerned over the rising vehicular pollution which constituted 60 percent of air pollution in Delhi that included poisonous pollutions such as carbon monoxide, hydrocarbons, oxides of nitrogen and sulphur dioxide, called for every available information on the subject by various ministries of transport, gas, environment and others and ordered the constitution a committee under the chairmanship of Justice K.N.Saikia, a retired judge of the Supreme Court. The Committee was asked to examine details and present bimonthly reports on technologies available for vehicular pollution control, low-cost alternatives for operating vehicles at reduced pollution levels and to make recommendations accordingly.
It is submitted that the problem of monitoring pollution is a difficult one. The direction of appointing a commission to enquire into the details of vehicular technologies for pollution control and the mechanism of monitoring of pollution, by the court is a welcome move. Since Government is not committed to an honest and sincere task regarding monitoring of pollution; the responsibility to a great extent will have to be shared by voluntary organizations or public-spirited cities as well.

FREEDOM OF INFORMATION. THE RIGHT TO KNOW AND PUBLIC AWARENESS:—

There is a close link between the government accountability and a citizen's ability to secure authentic information. Public access to government information in democratic society is desirable as it enables citizens to exercise their political choice more meaningfully.

The right to know assumes special significance in environmental matters as government decisions on developmental plans may have the tendency to displace myriads of people and affect their lifestyles and livelihood. In such situation it becomes the duty of the government to
inform the public of the harmful consequences of their intended economic activities and it becomes also a right of the public to freedom of information and right to know, by having access to governmental records so as to assess for themselves the ill effects of development plans intended to be undertaken.

It is unfortunate that we do not have any legislation, which provides for risk communication and emergency planning mechanism against industrial negligence cases. The Bhopal gas disaster is one good example of such legal vacuum. This tragedy could have been avoided if the right people had obtained the right information at a time when they were capable of appreciating it and taking appropriate preventive action.

Therefore, laws will be needed which provide for systematic accurate and comprehensive characterization of risk information, identification of toxicological properties of individual chemicals, environmental impact analysis of location of dangerous industries so that public health, safety and the environment could be adequately secured.

That, the citizens have virtually an unqualified right to seek information from any statutory authority affecting the interests of the
people should be, therefore, recognized and respected. The law by itself is inadequate to bring about the desired change in society without public awareness and participation in the process. Unfortunately, lack of awareness and apathy of the people towards environmental concerns and the grave consequences of ignoring environmental priorities have acted against changing the situation. The obvious consequence of this neglect has been that even age-old norms of good living which once were past of our culture are no longer followed. Consequently, the Apex Court issued the following directions to the Government of India.

1) The Union Government was asked to issue directions to all the State Governments and the Union territories to invariably enforce through collectorate, as a condition for license on all cinema halls. Touring cinemas and video parlors, to compulsorily exhibit free of cost at least two slides/messages on the environment during each show.

2) The Ministry of Information and Broadcasting of Government of India should without delay, start producing information films of short duration
highlighting the various aspects of environment and the benefits of clean Environment on society.

(3) Doordarshan and AIR were directed to produce daily programmers with a duration of five to seven minutes with messages on the environment and a regular weekly programme on the subject and

(4) The Education Boards were directed to take steps to enforce compulsory education on the environment up to matriculation from the next academic year and the University Grants Commission (UGC) to consider the feasibility of making the environment a compulsory subject at every level in college education.

The judiciary has once again taken the initiative on issues like public awareness which otherwise should have come from the Government. It is submitted that if the laws are to be effective and the environment is to be protected, it is necessary that the people are made aware of the vices of pollution and its evil consequences. It is obvious from the preceding discussions that our human rights are not protected. For it to be so, it is essential that our transport policies must be fundamental re-examined.
First, the transport system needs some basic reforms in its methods of management; it needs a legal framework that protects society from the worst side effects of traffic, a new approach towards the regulation and control of traffic, a more efficient use of the price mechanism, a bolder use of taxes and subsidies in order to promote socially desirable transport systems and a redirection of planning controls towards new transport goals. For evaluating transport projects, cost benefit analysis should be an important component of the decision making process. However, it cannot be independent of other moral and political considerations. Management policies should be designed for rapid implementation to help pedestrians and cyclists, to give priority to public transport and to restrain private traffic. Remedial measures could check the growth of air pollution and slowdown the growth of traffic noise and accidents.

Thus, there is an urgent need to protect the basic human rights of the citizens. How far such rights are available at present. What are the gasping planning and implementation of needed policies and how to balance individual and social human rights interests need to be thoroughly examined and essential counter-measures are sincerely initiated.
Road traffic crashes are increasing in epidemic protection. Increase in number of motor vehicles and speed have led to huge road traffic deaths in all countries. According to MORTH (Ministry of Road Transport and Highways) study, India suffered economics loss of Rs. 7,000 crores in 1995 due to road traffic accidents. However, if unreported are also taken into account, the figure may go up to Rs. 32,000/= crores. Table I indicates the economic costas of road accidents in some important countries.

The road crashes cost approximately 1 to 3% of a country's annual GNP. These are the resources that no country can afford to loss. It is estimated that developing countr-ies currently lose around dollar 100 billion every year. This is almost twice as much as the total developing assistance received by them from developing countries. These losses undoubtedly exhibit the economics and social development of developing countries.

It is high time that means and options for financing road safety suited to our own requirements are explored and implemented to meet
such high cost of accidents. Although fatalities per 10,000 vehicles are declining in India it is still 10-12 times of the rate in developed countries.

Road traffic injuries are one of the most common causes of deaths among the seven listed causes of death in India for all age groups except infants. In 2001, the road traffic fatalities were around 85,000. India suffered an estimated Rs. 55,000 crores on account of road traffic accidents, which is about 2% of GDP. So it is quite clear that unsafe practices on roads cause huge economic burden. While the Government is responsible for developing and implementing a coordinated road safety programme, much of the economic cost of road accidents are borne by the private sector and the other road users. This segment spends far more than government on activities designed to improve road safety. Further government spends too much money-treating outcome of accidents and too little on preventing them. Within the current budget constraints, it is generally not possible to allocate more funds for road safety from the overall budget or to reallocate part of the revenue from the police and health budgets. The only realistic solution is to commercialize road safety and make road users pay for safer roads. Funding for road safety improvement should be shared with those who stand
to gain from accident prevention measures. The insurance industries can do much to promote road safety. Also many private sector organizations outside the insurance industry have a direct incentive in promoting road safety e.g. large fleet operators have a strong incentive to improve performance of their own and other drivers. Many business houses spend some money for purely altruistic purposes. Many local road safety services can be funded on a voluntary basis in cash or in kind. This paper reviews and discusses various possibilities for financing road safety in India, many of which have proved to be successful in other parts of the world.

General presumption is that all governments pay for road safety and the Central Government is responsible for developing and implementing a co-ordinate road safety programme. Further there is a presumption that the Ministry of Transport is the key-spending ministry. However, this could be a misleading picture, which distorts the setting of road safety policy. Given government's ultimate responsibility to protect its citizens, it is not unreasonable that the government should set the objectives and targets for roadsafety. It is thus obvious that allocation of
finance for at least some of the activities needed to achieve the stated targets should therefore also come from the Central Government. However, public sector funding for road safety should not be restricted to the road authority; the Education, Health and Justice departments have financial contributions to make. In U.K., half of all public road safety expenditure is estimated to be spent by health sector on treating the results of road accidents, rather than on their prevention. Whilst health funding may be in short supply, a proportion of health funding spent on preventive measures may have financial benefits in the long term. Westland and Lundbye (1997) suggest that infrastructure design and construction, and law enforcement can be considered to be part of a basic government service and should be provided from government budget. In U.K the private sector payments exceed public expenditure on road safety.

Perhaps, 75% of all economic losses sustained due to traffic accidents are absorbed directly through automobile insurance claims.

(See Table I on next page showing Economic Cost of Road Crashes as Percentage of GNP)
<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>STUDY YEAR</th>
<th>PERCENTAGE OF GNP</th>
</tr>
</thead>
<tbody>
<tr>
<td>BANGLADESH</td>
<td>1998</td>
<td>0.5</td>
</tr>
<tr>
<td>THAILAND</td>
<td>1997</td>
<td>2.3</td>
</tr>
<tr>
<td>KOREA</td>
<td>1996</td>
<td>2.6</td>
</tr>
<tr>
<td>INDIA</td>
<td>2000</td>
<td>2.0</td>
</tr>
<tr>
<td>TANZANIA</td>
<td>1996</td>
<td>1.3</td>
</tr>
<tr>
<td>ZAMBIA</td>
<td>1990</td>
<td>2.3</td>
</tr>
<tr>
<td>KWAZULU NATAL</td>
<td>1996</td>
<td>4.5</td>
</tr>
<tr>
<td>EGYPT</td>
<td>1993</td>
<td>0.8</td>
</tr>
<tr>
<td>SWEDEN</td>
<td>1995</td>
<td>2.7</td>
</tr>
<tr>
<td>NORWAY</td>
<td>1995</td>
<td>2.3</td>
</tr>
<tr>
<td>ICELAND</td>
<td>1996</td>
<td>3.4</td>
</tr>
<tr>
<td>GERMANY</td>
<td>1994</td>
<td>1.3</td>
</tr>
<tr>
<td>DENMARK</td>
<td>1992</td>
<td>1.1</td>
</tr>
<tr>
<td>NEW ZEALAND</td>
<td>1991</td>
<td>4.1</td>
</tr>
<tr>
<td>U.K.</td>
<td>1991</td>
<td>2.1</td>
</tr>
</tbody>
</table>

Governments spend too much money on treatment of accident victims and very little on prevention of accidents. For example, in U.K. Government spends just 23% of the total resources earmarked for road safety on preventive measures and the rest 77% are spent on meeting the accidents costs.

In most countries, the insurance industry has traditionally limited its involvement to post-accident compensation payments. A no-claim discount was most probably the only incentive or attention that motor vehicle insurance companies gave to accident prevention. This situation has proven unsustainable with many insurance companies in developing countries, incurring excessively high claims loss ratios, as compared to that collected in policy premium payments as accident claims increase rapidly in the countries undergoing rapid motorization.

An increasing number of countries are recognizing transport to be economic and not a social service and readopting commercialization as the basic concept for managing and financing of the sector. Road traffic and transport should at least, in principle, cover the costs resulting from their Demand for infrastructure and services.
through users fees commensurate with the costs imposed, and further compensation for the detrimental impact road traffic have on the environment and the rest of society. The road users would, on this basis, be economically responsible for all particular investments and services required to attain the desired level of traffic safety. A discussion on financing of road safety efforts will need to be based on a critical review of the road safety environment, the basic approach to road safety and of road safety activities. Key issues are the core causes of road accidents and the attached responsibilities, appropriate objectives and goals of road safety efforts and how road safety activities may best be organized, managed and implemented.

Three basic ways of financing road safety operations are:

(1) Government Budget Allocations and Self-financing through levying of various fee on road user.

(2) Financing by Insurance and Private Sector companies.

(3) Development Aid Financing.
Although, acknowledgement of the road safety problems has existed for quite some time, the attempts of the government to improve road safety have been hearted and not focused on the problem. It was only in the 1970’s that the Planning Commission of India accepted road safety as a plan subject and allocated specific funds to Delhi. It was only in the 7th Five Year Plan when a total sum of Rs. 10 crores was earmarked for road safety. In the 8th Five Year Plan about Rs. 30 Crores were spent on road safety programmers. For the first time, specific funds were allocated for each State for road safety related works on National Highways in the 9th Five Year Plan to cover broad items like engineering improvements, traffic control devices and wayside amenities. As may be noted, these expenditures were far below the actual amounts required for making an overall impact on road safety.

The most common method of self-financing is by earmarking funds. In Switzerland 1 % of motor vehicle insurance premiums is collected by the government and used for road safety. A proportion of the Government fuel tax is used for road safety action in Germany.

In general, while the role of most insurance companies in developing countries is still very minimal and weak in road
safety activities, some insurance companies as well as corporate houses, having direct or indirect in road safety recognize that they have a social role to play and try to project a positive image by taking part in some road safety activities. These include financing research, co-operation with driving schools, development and production of teaching materials, training of children, financing information companies etc.

Developing Aid Financing can either be in the form of bilateral aid or in the shape of multilateral aid. The World Bank, other multilateral lending institutions, and donors have been contributing to road safety through loans, grants and technical assistance. Bilateral assistance most often takes the form of technology transfer through technical assistance for training, studies, institution building and funds for equipment and infrastructure improvements. The Malawi Road Safety Project is one example funded by the African Development Bank. The Tanzania and Ethiopia Road Safety Programme are also examples funded under Road Sector Development Programme.

An example of multiple agencies joining hands is the setting up of Global Road Safety Partnership (GRSP) by the world bank,
International Federation of Red Cross and Red Crescent Societies, bilateral aid agencies and other interested parties under the framework of the World Bank's Business Partners for Development (BDP) Programme. Two important aspects of GRSP are the involvement of the private sector in funding road safety project and the promotion of greater awareness of road safety worldwide. An example of the contribution of GRSP to road safety is the co-funding by World Bank, DFID U.K and TRL, U.K. to study the global road safety situation.

Improving road safety has gradually become an integral element in World Bank and donor financed projects in the transport sector. After 1981, review of road safety elements in its portfolio the bank in 1982 adopted some internal guidelines for increased attention to road safety in lending and related operation work. Under World Bank Schemes some world-class technical documents including a 'Manual for safety in Road Design' and an 'Accident Investigation and Prevention Manual' have been produced by MORTH. Similarly some efforts have been initiated by NHAI under World Bank funded projects including carrying out of
road safety audit of the national highways at different stages of their design and construction NHAI has also recently sought advisory services designed to facilitate public action at all levels to improve road safety through defining a national policy and initiating focused actions to implement the policy at national, State and city levels. The World Bank has provided for road safety measures under projects for different States of India, e.g. for TamilNadu a provision of US dollars 2.5 million was made under TN Road Sector Project. While the World Bank and the donor community have thus for a long time provided substantial technical and financial assistance towards improved traffic safety, they have also become increasingly frustrated by an impression that most efforts seem to have had little long term impact, perhaps particularly in Asian AND African countries. The fundamental fact is that this type of efforts should not only be confined to World Bank funded projects rather should extend to all domestic projects either financed by central, local, or State Governments and also involve private sector in this endeavor.

Within the current budget constraints it is generally not possible to allocate more funds for road safety from the overall budget. The only
realistic solution seems to commercialize road safety and get road users to pay for safer roads. The key questions in this context are:

(a) What are the specific investments and services that should be covered by fees levied on road uses?

(b) What direct and indirect instruments may be suitable to facilitate payment for these investments and services? and

(c) Who is responsible for other less specific actions and services important to traffic safety and how can there be assured adequate financing?

All basic activities related to legislation and provision of basic road infrastructure education and enforcement, emergency medical care etc. may be considered past of the basic Government services and should as such as financed over the general government budget. However, there is no obvious reason why government should be involved with and have expenditures related to licensing of drivers and vehicles, except in a supervisory role. The costs associated with
licensing of drivers and vehicles and periodic checks as required to maintain standards should be covered with appropriate license fees. A novel idea is to leave it to the insurance companies as part of their insurance and comprehensive vehicles insurance. Road vehicles would through ‘Road Traffic’ for access to and use of the road network, finance at least maintenance and management of the road system. This ‘Tariff’ should implicitly cover all expenditures necessary to maintain agreed road infrastructure safety standards and increasing investments to meet other mandatory requirements.

Road users and others can purchase better road safety in six main ways, through:-

(i) Creation of Designated Road Funds.
(ii) Funding through Insurance Levies.
(iii) Paying Directly for More Government Road Safety Services.
(iv) Use of Traffic fines for Better Road Safety.
(v) Direct Involvement of Business and
(vi) Contribution by Various Road User, Autonomous Professional and Community Organizations
Road fund is defined as “an institutional device through which a selected stream of revenues usually collected through road user charges and managed by a board, is put at the disposal of a government road department or agency without being subjected to general budget procedures and reviews”. The fund can be utilized for any aspect of road transport, including road safety. The best example is the Road Fund of New Zealand.

New Zealand has a second-generation road fund since 1953. It has been restructured times, most recently in 1996 when management of the road fund was transferred to an independent road fund administration called “Transfer Fund”. The road fund operates on the basis of ‘user pay’. In other words, road users pay for usage of roads, the proceeds are managed outside the governments budgets and the funds are used to deliver a ‘safe and efficient state highway system’. Specifically, the revenues for the road funds comes from (i) a fuel excise added to the price of gasoline; (ii) weight-distance charges paid by diesel vehicles; (iii) motor vehicle registration fees; (iv) interest earned on the road fund account and (v) revenues earned from sale of surplus state highway
property. The revenues are deposited into an interest bearing Treasury account to recognize that the road fund is a separate account. In 1997, about 15% of overall revenues was transferred to the Land Transport Safety Authority (LTSA) to pay for the cost of police road safety enforcement- and educational and publicity programmes. A small amount of the funds was channeled to support passenger transport while the remainder was used to finance the cost of the road safety engineering measures, which help to improve road safety.

The system used in New Zealand has much to command it. Road users pay directly for the services provided by transit New Zealand and local authorities and also pay for ancillary services required to make roads safe. By subjecting all road works-including road safety interventions- to benefit/cost analysis, the system also encourages a balanced approach to the various factors, which go into the delivery of 'safe and efficient network'. This has resulted in one of the best road safety records in the world (3.29) fatalities per 10,000 vehicles).

Specific road safety funds can also be established from road user charges. Approximately US Dollars one million was available in
2001 for road safety. In Zambia and Ethiopia road fund has used to finance road signs and markings. Road Accident Fund, originally created to provide compensation to road accident victims, drawn from levies on fuel sales and investments elsewhere, has been the main sponsor of "Arrive Alive" campaign in South Africa. The use of licensing and registration fees is popular in U S as source of road safety funding. Botswana levies on safety surcharge on motor vehicle registration while Papua New Guinea on vehicle inspection. In addition, potential road safety funding is also possible through road maintenance budget created out of a road fund. Jordan and Chile are utilizing portions of maintenance funds for road safety actions.

Road funds in the Life Insurance Corporation of India (LIC) currently invest little, if any thing in road safety even though road safety may qualify from the road fund. Some road funds designate a fixed proportion of their revenues to road safety. However to ensure maximum benefits it is essential that such investment should be backed by well-thought action plans.
Several countries have attempted to finance some road safety interventions by adding surcharge to insurance premiums. Funding through insurance involves adding a levy or surcharge, a form of road user safety fee, to compulsory insurance premiums to help fund road safety activities. Since insurance premiums are related to road crash costs, the insurance companies therefore have an incentive to reduce crash costs to help to reduce the premiums charged. Also the costs of the basic premium and any additional levy will reflect driving behavior and an incentive for driving safely. Finland is perhaps the first country, which attempted to finance road safety through insurance premiums. The Finnish system has premiums set by the Ministry of Social Affairs, unlike in the U K where the Insurance Companies adjust premiums to reflect liability costs. The Finish system, by setting premium central, puts an onus upon the insurers to hold premiums down and to do that, insurers make a considerable efforts to reduce crash rates by providing research and safety information to their customers.

An additional surcharge on insurance premiums must be accepted both by the public and by the insurance companies.
The potential for the same can be enhanced by ensuring that there are no exceptions, that the proceeds from the levy are managed transparently and all the insurance companies participate in the scheme to avoid unfair competition.

Legislation should stipulate or at a minimum allow for a levy to be imposed on the total insurance premiums collected and dedicated to road safety. In Fiji, the legislation establishing the NRSC stipulates that 10% of third party premiums are to be dedicated to road safety while the 1996 Motor Vehicle Legislation requires special reserve fund to be established for road safety preventive measures, but does not specify a minimum or maximum amount.

Also a road safety fund based on insurance premiums will require the enforcement of motor vehicle insurance regulations in order to realize its full potential earnings. Enforcements of insurance regulations have not always followed the enactment of motor vehicle insurance legislation and many vehicles are driven without insurance cover in the Asian and Pacific regions. One way of ensuring motor vehicle insurance legislation compliance is to have a proof of
insurance as a requirement that a valid road worthiness sticker or certificate must be displayed and clearly visible on the windscreen of the vehicle. Proof of insurance coverage can also be confirmed at the stationary checkpoints where traffic police inspect other required documentation. To reduce the evasion, South Africa now collects its third party injury premiums through a fuel levy. Collecting the insurance levy through a fuel levy offers the added benefit of relating payments to exposure those vehicles, which travel more will also pay more.

Governments do not always recover full costs of road safety services provided to motorists. This includes services like:

( I ) Driver training, testing and licensing.

( ii ) Vehicle testing and licensing, and

( iii ) Transport of dangerous goods.

The Government can provide these services on a not-for-profit-fee for service basis. These agencies can be part of government, which operate on a semi autonomous basis. Such agencies are set up under legislation so that they can charge for all services
rendered and can operate along commercial lines so that services are delivered in an efficient manner.

The insurance industry can be such agency and it can do much to promote road safety in its insurance policies, as well as sharing data and through the direct organization of road safety campaigns. Most insurance policies in the Asian and Pacific region are still vehicle-based the type of vehicle and its previous accident records regardless of the experience or age of the driver determines i.e. the premium rate. A driver-based insurance policy would limit the insurance coverage to only those drivers registered for the vehicle and the premium rate would be higher for any younger drivers or inexperienced drivers as such groups of drivers have a higher accident risk.

In an attempt to improve the accident risk of novice drivers, insurance companies in the U.K. have recently introduced a scheme where additional training (e.g. Motorway driving, advanced driver training and defensive driving) results in a reduction of the insurance premium cost.

More recently, the use of traffic fines to finance road safety activities, particularly law enforcement, has come into effect in some
countries. Hypothecation is the principle of allocating revenues such as traffic fines, for a specific purpose such as law enforcement. The basic premise is that road users violating the law themselves pay for the costs of enforcement a similar principle to 'the polluter pays' employed in the context of environmental pollution. A problem with this approach is that government revenues of all kinds (taxes and fines) generally accrue to a consolidated fund and then are allocated between ministries as part of annual budget process. Since the overall budget envelope remains unchanged, earmarking reduces the budget allocations of some other sectors. This is the main reason why earmarked is generally opposed by finance departments. The key is to make the hypothecation 'revenue neutral'. As has been done in U.K. care must be taken to ensure that the revenues raised are related to the costs of the increased enforcement, so that it is not seen as another tax, but as a way of charging the offending road user for the costs he imposes on others. Traffic fines should thus be directly allocated to assistant the traffic police rather than other areas of law enforcement. Statutory changes may be needed in order to implement such a measure.
As per the Africa Transport Policy Programme working Paper-3 presented by Creightney (1993), the main benefit of hypothecation is increased certainty about the funding available for investments and maintenance. However, "there is no evidence that hypothecation actually leads to sustainable increasing in the funding". It is likely that in the long term, we will bring diminishing returns and reduce the funds available from traffic fines.

Although road safety is usually regarded as a government responsibility, private business, all over the world, supports a wide range of safety interventions, particularly driver training and vehicle inspection. Road Safety strategies between the public and private sectors offer considerable potential. While all private sector companies would benefit from an improved corporate image by investing in road safety, many such organizations have a direct incentive in promoting road safety. Businesses with large fleets or expensive vehicles are already interested in reducing road accidents among their own vehicles and adopt safety conscious policies that include strict testing.
of potential drivers as well as medical and alcohol testing of current drivers. Advanced driver training may be offered and driver hours controlled. Safety bonuses and awards are also included in their standard policy. In order to be effective, company commitment to road safety must visible and continual. For example, the Shell petroleum company has sponsored defensive driving courses for its personnel in a number of countries e.g. Brunei and Fiji. In Malaysia, Shell requires its new drivers to undergo a three day defensive driving course and refresher courses are given every two or three years.

Private sector companies have also begun to promote road safety outside their own immediate interests. One of the major commercial Banks in Fiji sponsored the first national road safety conference and elsewhere road safety publications and materials in return for the company’s logo included on the documents as a sponsor.

Many large oil companies, motor manufacturers, and transports operators are often willing to support road safety by sponsoring initiatives such as driving courses and publicity campaigns.
Large commercial organizations such as banks and trading companies are often willing to support road safety activities as part of their social obligation for the public goodwill and good publicity brings for the sponsoring organization. In Europe, especially eastern countries, oil companies, which are conquering the market are good sponsors for road safety, besides vehicles manufacturers, sometimes insurance companies, mega firms like 3 M that produces reflective sheets, firms for traffic control devices, road construction companies, broadcasting stations (they mostly sponsor time for broadcasting), etc.

The financial discipline and innovation and management skills usually available with the private business organizations are a valuable resource, which can be of great asset, if utilized for road safety councils/traffic advisory committees at national, state and local levels. The motivation for involvement of private entertainment beyond corporate public relations and extends to market development, branding and a sense of corporate social responsibility, through their inputs for safer roads.
Many private sector organizations outside the insurance industry have a direct incentive in promoting road safety that is why many road users organizations already deliver numerous road safety services to members like advice, legal services, driver training, sign-posting, rescue services etc. Most are offered on a free for service basis and directly or indirectly contribute to road safety. Their range of services and coverage could be expanded to provide better coverage. These associations may ask to have membership made compulsory.

The Western India Automobile Association (WIAA) in collaboration with Ahmedabad Association Education Society and Castrol India Ltd. has set up the WIAA Castrol Institute of motoring at Ahmedabad. The Institute’s main objective is “Human Safety on Road”. Similarly the Upper Indian Automobile Association (UIAA) is running a driving training school in Delhi. These and other automobile associations also undertake various community road safety activities such as eye camps for commercial drivers, road safety education on TV and other media and celebrating road safety week etc.

There are associations and organizations, which look after the interests of pedestrians, cyclists and other road users in different
parts of the world. 'Living Streets' is a group based in London whose function is to "make local surroundings a happy extension of your home life than a threat that surrounds and isolates you". This group works with local and national government agencies to run awareness-building schemes. 'Right of ways' is another group of activities working in New York dedicated to asserting the rights of car free street users - including pedestrians, cyclists and skaters.

Many local road safety services can be provided on a voluntary basis. This includes services like school patrols, guarding of signs and markings, some enforcement activities e.g. Zambia's Voluntary Traffic Commissioners or Traffic Warden Scheme in various metropolitan cities of India, local publicity campaigns, cycle training by volunteers etc.

In addition to the traditional sponsorship of vehicles and equipment, business also works in partnership with the police. The Insurance Corporation of British Columbia (Canada) has invested in highway patrolling and red light cameras. The New Zealand
Police received four compulsory breath-testing buses provided by the Accident Compensation Commission. In Delhi, vehicle manufacturer Maruti Udyog Ltd. Sponsored Interceptor Patrol vehicles for enforcement work by the Delhi Traffic Police and Delhi State Transport Department, which were operated by the Institute of Road Traffic Education (IRTE), New Delhi.

The private sector operates numerous driving schools and provides individual driving instructors. It also sponsors driving competitions to encourage safer driving. Since 1992, IRTE in India has been holding road safety competitions, sponsored by a local car manufacturer, for Delhi drivers, the traffic police and school children.

Many non-governmental organizations are helping the cause of road safety. Shri Chandmal Parmar of Pune set up Kum. Rajesh Parmar Memorial Foundation in Pune, after her daughter lost her life in a road accident. A public trust was created with the initial fund of Rs. One Million, which Shri Parmar had originally kept for the marriage of his daughter. The trust has made significant contributions to the cause...
of road safety. In 1994, the foundation on the basis of Supreme Court Judgment got amended the sections 134 and 187 of MVA, 1988, for shifting the road accident victims to hospital without police 'Panchanama' as well as for immediate first aid medical treatment by doctors/hospitals. The foundation in order to encourage the people to come forward to help the road accident victims for timely medical assistance started to facilitate Good Samaritans by presenting "Manav Mitra" awards since 1994. Also due to efforts by the Foundation, Central Government provided that donation given to road safety project will be eligible for 100% deduction from donor's income under section 35 (AC) of IT Act w.e.f. February 1999.

However, the success of community initiatives relies heavily on local champions and/or community support is a part of a national programme. So here it is important to first formulate programme at national level and then get community organizations to handle implementation.

The funding inputs for road safety measures in India are quite inadequate from government as well as private sources.
The availability of very limited funds for road safety is linked to the absence of defined responsibilities of various government ministers towards road safety, lack of road safety policies at national, state and local levels, and non-existence of concrete action plans to tackle road safety problems. More and sufficient funds can be procured only when decision makers are presented with well studied and researched road safety policies and plans. Private sector will come forward only when government is also seen to accord proper priority to road safety through its actions of planning and implementation. Although road safety is usually regarded as a government responsibility, private business can support a wide range of road safety interventions, particularly driver training and vehicle inspection, Road Safety strategies based on a partnership between the public and private sector offers considerable potential. The financial discipline, emphasis on innovation and management skills available from the private sector are a valuable resource. These skills can be of great value to national Road Safety Councils and other similar bodies.

A sustainable funding source is required for the implementation of road safety measures. Two sources of financing road safety which are
becoming more popular are road safety levies on insurance premises, thereby extruding the focus from compensation to prevention, and road funds which are based on fuel levies. These levies may be dedicated to improvement and the maintenance of a safe and cost-effective road network. It is both possible and highly desirable to harness the potential for road safety funding from the Insurance Industry and other such sources. Whether third party motor insurance is provided via a stage owned monopoly as in Victoria, Australia or whether it is provided via agreement with a number of commercial insurance firms as in Fiji need not matter. Efforts should be made to persuade the providers of motor insurance that it is in their financial interest as well as in the public interest for part of the premiums to be used for road safety.

If the insurance industry can be persuaded to participate voluntarily, then the necessary action should be taken to impose a levy of about 10% on at least third party motor insurance and where possible, a smaller levy say 5% on all other motor insurance of funds for an NRSC for promoting road safety and initiatives.
Each of the countries discussed here has developed its own unique way of funding road safety activity like investing business in providing a management support and expertise, investing in vehicle safety and improved operating practices, corporate sponsorship, undertaking research and design or providing support through professional and trade associations but all recognized that the motor insurance industry has an important role to play in investing in safety. Each country will need to develop appropriate funding mechanism that are appropriate for its particular social, political and economic circumstances, but one thing is certain that it can be done successfully.
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