

ROAD SAFETY FOR CHILDREN IN INDIA

An analysis of legislation with child road safety perspective
by Center for Environment Education



Child Road Safety in India

Special attention is necessary to improve road safety for children in India. With a population of about 35.67 Crore i.e., more than 25% of India's population in the category of age below 18 years, children form a large vulnerable road user (VRU) group.

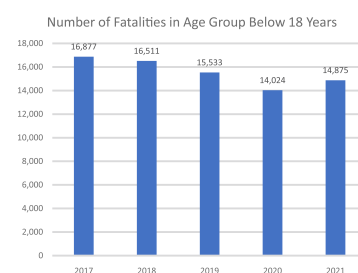
The scenario of road safety for children is revealed in information from the latest report of Accidental Death and Suicides in India (ADSI) 2021, published by the National Crime Records Bureau (NCRB), Government of India.

Children Killed in Road Accidents in India

The data from the ADSI reports of NCRB shows the number of children killed in road accidents in the last five years in India. The number decreased from 2017 to 2020 but increased in 2021. According to the report, 40 children are killed per day in road accidents in India, and 77,820 lives lost in the last five years.

Children Killed in Road Accidents in India

Year	Number of Fatalities in Age Group Below 18 Years
2017	16,877
2018	16,511
2019	15,533
2020	14,024
2021	14,875



Source: ADSI 2021, 2020, 2019, 2018 & 2017, NCRB, Govt of India, (<https://ncrb.gov.in/en/ADSI-2021>)

There is a need for age-disaggregated data, which will help to understand the effectiveness of the measures required for safety of children and inputs for policy making.

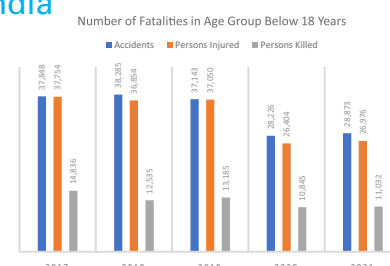
Road Accidents Near Schools/ Colleges/ Educational Institutions

The following data of ADSI, NCRB shows the number of accidents near schools, colleges and educational institutions in India and the number of persons killed and injured in those accidents.

The data reveals the importance of implementing School Zone effectively near all schools to improve safety for children around and traveling to schools. There is a need for disaggregated data collection focusing on schools and its analysis and presentation for a better understanding of safety with children's perspective.

Road Accidents, Persons Injured and Died near Schools/ Colleges/ Educational Institutions in India

Year	Accidents	Persons Injured	Persons Killed
2017	37,848	37,754	14,836
2018	38,285	36,854	12,535
2019	37,143	37,050	13,185
2020	28,226	26,404	10,845
2021	28,873	26,976	11,032



Source: ADSI 2021, 2020, 2019, 2018 & 2017, NCRB, Govt of India, (<https://ncrb.gov.in/en/ADSI-2020>)

Children/ Minor Drivers, Passengers and Pedestrians Killed in Road Accidents

Underage driving and safety of children walking are specific issues of concern. Data from the “Road Accidents in India”, reports published by the Ministry of Road Transport and Highways (MoRTH) presented below show the number of drivers in the age group of below 18 years killed in road accidents. The number of Pedestrians killed in the age group below 18 years are indicated, though data for cyclists is not available for this age group for 2019 & 2020.

Children/ Minors (below 18 years of age) Killed in Road Accidents in India

Year	Drivers (underage)	Passengers	Cyclists	Pedestrians
2016	3,417	*7,205	-	-
2017	-	-	-	-
2018	2,137	5,208	549	1,769
2019	2,949	5,721	-	1,879
2020	1,578	3,390	-	1,651

*Passengers include pedestrians and other persons.

Source: Road Accident in India 2020, 2019, 2018 & 2016, Ministry of Road Transport and Highways (MoRTH), Govt of India (<https://morth.nic.in/road-accident-in-india>)

Legislation related to Child Road Safety in India

The Motor Vehicles Act 1988 of India and the sub-legislations (Central Motor Vehicles Rules) thereunder provides legislative framework for the safety of children on road. The act provides rules for key behavioural risk factors and the measures for the safety of children on road and vehicles with regard to speed, school zone, helmet, child restraint system and seat belt, etc.

A summary of the legislation with regard to the provisions of safety for children on road is presented below for seeking the views of the stakeholders.

Key Behavioural Risk Factors and Child Road Safety Legislation status



Image Source: <https://scroll.in/article/1017908/how-small-changes-in-street-design-around-schools-can-make-indian-roads-safer-for-children>

Safer Roads for Children



Speed in School Zone

The Motor Vehicles Act (MVA), 1988 under Section 118 (on Driving Regulation) provides power to the Central Government to make regulations for driving of motor vehicles. **The Motor Vehicles (Driving) Regulations, 2017**, notified by the Ministry of Road Transport and Highways (MoRTH) under Section 118 of MVA, under clause 16 (5) (on Speed), specifies:

“No driver shall drive at a speed exceeding 25 kmph or such lower speed as may be specified on road signage while passing by a school or a hospital or a construction site, wherever indicated by signage, or on roads without footpaths and soft shoulders where pedestrians use a part of the carriageway to walk.”

(Available at <https://morth.nic.in/sites/default/files/Motor-Vehicle-Driving-Regulation-2017.pdf>)

Speed in CMVR (for two wheelers)

MVA under Section 137, Clause (aa) provides power to the Central Government to make rules for the measures for the safety of children below the age of 4 years riding a two wheeler. MoRTH using Clause (aa) Section 137 of MVA, notifies **rules for Safety Standards for Children on a Motorised Two Wheeler (MTW)**, and amends the Central Motor Vehicles Rule (CMVR), 1989. The CMVR in rule 138 (7) (iii) specifies:

“The speed of a motorcycle with a child upto age 4 years being carried as a pillion, shall not be more than 40 kmph.”

Speed for School Transport Vehicles

The Supreme Court of India has issued Directive that school bus should be fitted with speed governors with a maximum speed limit of 40 kmph

<https://www.trackschoolbus.com/school-bus-rules-and-regulations/india/>

School Zone (speed restriction, signage indicating school zone)

The Motor Vehicles (Driving) Regulations, 2017, issued as per Section 118 of MVA 1988 (on regulations for driving of motor vehicles), specifies:

- Speed limit of 25 kmph or lower posted limits while passing by a school
- Vehicle shall not overtake in School Zone, wherever indicated by signage, or on road without footpath where pedestrian use part of carriageway

MVA 1988 / MVAA 2019, under Section 198A, Failure to comply with standards for road design, construction and maintenance (not notified), specifies:

“Any designated authority, contractor, consultant or concessionaire responsible for the design or construction or maintenance of the safety standards of the road shall follow such design, construction and maintenance standards, as may be prescribed by the Central Government from time to time.”

Standards for School Zone, specified by Indian Road Congress (IRC):

IRC: 103 2012, Guidelines for Pedestrian Facilities, suggests:

- Schools to design ‘safe routes to school’
- Placement of Marshalls
- Drop-off zones

(See Section 6.15, pages 54-56, IRC: 103 2012, Guidelines for Pedestrian Facilities, available at: <https://law.resource.org/pub/in/bis/irc/irc.gov.in.103.2012.pdf>)

IRC: 67-2012 (2001) for school zone signage, and the Code of Practice (Part 4) on Signages, issued by Ministry of Urban Development (MoUD), specifies:

- Signs for School Zone, and
- Playground.

IRC SP: 32 Road Safety Manual for Schools, (Available at: <http://www.irc.nic.in/admnis/admin/showimg.aspx?ID=398>), Not a formal rule

Safety of Children in Vehicles

Helmet for Children

MVA 1988 / MVAA 2019 under Section 129 (on wearing of protective headgear), specifies:
“Every person, above 4 years of age, driving or riding or being carried on a motorcycle of any class or description shall, while in a public place, wear protective headgear conforming to such standards as may be prescribed by the Central Government.”

“Provided further that the Central Government may by rules provide for measures for the safety of children below 4 years of age riding or being carried on a motorcycle.”

MVA 1988 / MVAA 2019 under Section 137(Power of Central Government to make rules), under Clause (aa) provides power to Central Government for making rules on:
“providing for the standards of protective headgear and measures for the safety of children below the age of 4 years riding under Section 129”

Using the power of **Clause (aa) of Section 137 of MVA 1988 / MVAA 2019**, MoRTH has notified the Rules for Safety Standards for Children on MTW, under the Central Motor Vehicles Rules (CMVR), 1989 (as Central Motor Vehicles (Second Amendment) Rules, 2022), on 15 February 2022 to come in force after 15 February 2023. (Available at: <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2022/feb/doc202221616301.pdf>)

The Central Motor Vehicles Rules, 1989, Rule 138 (7) A (ii), specifies:

“The driver shall ensure that the child pillion passenger aged between 9 months and 4 years must wear his own crash helmet which fits his head or wear bicycle helmet complying with [ASTM 1447] / [European (CEN)BS EN 1080/BS EN 1078] till such time that the specifications are prescribed by the Bureau of Indian Standards under the Bureau of Indian Standards Act, 2016 (11 of 2016).”

“After 1 year from the date of publication of the Central Motor Vehicles (Second Amendment) Rules, 2022, the driver of a motorcycle shall ensure the following safety measures while carrying a child between the age of 9 months and 4 years, on the vehicle as a pillion”



Harness for Children on two wheelers

The Central Motor Vehicles Rules, 1989, Rule 138 (7) A (I), specifies:

“For children below 4 years, Safety harness shall be used for attaching the child to the driver of the motorcycle.”

Child as a 2nd pillion rider (gap in legislation)

Section 128 of MVA 1988, (on safety measures for drivers and pillion riders), states:

“No driver of a two-wheeled motorcycle shall carry more than one person in addition to himself on the motorcycle and no such person shall be carried otherwise than sitting on a proper seat securely fixed to the motorcycle behind the driver’s seat with appropriate safety measures.”

Child Restraint System (CRS) / Seat Belts in Cars

MVA 1988 / MVAA 2019, under Section 194B (on use of seatbelts and seating of children), specifies:

“(1) Whoever drives a motor vehicle without wearing a safety belt or carries passengers not wearing seat belts shall be punishable with a fine of Rs 1000:”

“(2) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven with a child who, not having attained the age of 14 years, is not secured by a safety belt or a child restraint system shall be punishable with a fine of Rs 1000.”

ARAI has developed standards (AIS-072) for manufacturing and use of CRS in India.
(Available at:

https://hmr.araiindia.com/api/AISFiles/AIS_072_1076cc39-f733-4036-8620-50af45f4e6ac.pdf)

Seat Belts in School Transport Vehicles

MVA 1988 / MVAA 2019, under Section 194B, specifies further:

“Provided that State Government may exclude the application of this sub-section to transport vehicles to carry standing passengers or other specified classes of transport vehicles.”



Others

Underage driving

MVA 1988 under Section 4, provides for age limit for driving of motor vehicles,

*“No person under the age of 18 years shall drive a motor vehicle in any public place:
Provided that a motorcycle with engine capacity not exceeding 50 cc may be driven in a public place by a person after attaining the age of 16 years.”*

MVA 1988 / MVAA 2019 under Section 199A (on offences by juveniles), specifies:

“Where an offence under Motor Vehicle Act has been committed by a juvenile, the guardian of such juvenile or the owner of the motor vehicle shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:”

“In addition to the penalty, such guardian or owner shall be punishable with imprisonment for a term which may extend to 3 years and with a fine of Rs 25,000.”

Data of Road Accidents

NCRB collects the data on road accidents from all the states and UTs in specified format. This data is collected in age groups of below 14 years and 14 years to below 18 years. It is published as Accidental Deaths and Suicides in Indiareport.

MoRTH has developed a new reporting format for data collection in digital form. It publishes the data as Road Accidents in India report in the age bracket below 18 years.

They also have data with information on the place of occurrence of road accidents clubbing together schools, colleges and educational institutions.

About CEE

Centre for Environment Education (CEE) was founded in 1984 under the scheme for centres of excellence, of the Ministry of Environment, Forest and Climate Change (MoEF&CC). CEE's mandate is to promote environmental awareness nationwide and to enhance understanding of sustainable development among schools, youth, policy makers and the general community. CEE has regional/state offices in Ahmedabad, Bangalore, Delhi, Guwahati, Jaipur, Lucknow, and Pune.

CEE's thrust areas of work include road safety and sustainable mobility. As a part of the Road Safety Network India, a national coalition of civil society groups, CEE has been supporting road safety improvements being brought about by the MVAA. Specifically on child road safety, we have conducted consultations on draft rules for safety standards for children on a two wheeler, surveys of road safety in school zones in Pune, Jorhat and Ahmedabad, facilitated infrastructure improvements for road safety, developed articles, and conducted stakeholders' and media engagements in Gujarat, Maharashtra, Assam, and West Bengal to promote implementation of MVAA 2019.

CEE thrust areas of work include Environment Education for children and youth, urban and rural programs, waste management, biodiversity conservation, coastal and marine conservation and others. CEE is co-hosting the Local Conference of Youth in India. LCOY is an event under the umbrella of YOUNGO, the official youth constituency of the United Nations Framework Convention on Climate Change (UNFCCC).

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