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Put the brakes on road accidents

Tougher penalties in the new Act could lessen underage and drink driving

It is high time dangerous drivers were reined in. More than five lakh road accidents take place in India every year claiming close to 1.5 lakh lives. That is why the Lok Sabha's approval of amendments to the Motor Vehicle Bill, 2016, which includes a slew of tough measures against violators, is a radical departure for the better from the 30-year-old law that governs traffic in the country. One of the highlights of the new bill is heftier penalties. Those in the habit of driving rashly should be prepared to pay as much as 20 times more than before. Driving without a licence will invite a fine of ₹5,000; the fine was ₹500 earlier. Driving with a licence that has been deemed disqualified can make you poorer by ₹10,000, the fine rising from ₹500. Another significant proposal is a prison term for callous custodians. If a vehicle is registered in the parent's name and a minor causes a fatal accident while driving it, the parent could go to jail for a maximum term of three years. This should discourage the culture of underage drivers causing mishaps while speeding or carrying out stunts.

A strong legislation that makes penalties for violators tougher was required to control the growing indiscipline on India's roads, particularly in big cities. As many as 1,48,707 people were killed and 4,82,389 were injured in more than 4,64,674 accidents on Indian roads in 2015. The lack of awareness about the consequences of letting their children drive is common in many urban households. And the offenders are getting younger every passing year. According to government data, the Delhi Police fined 225 juveniles for underage driving in 2015 alone. The menace of drink driving is even more widespread. In 2015, the police prosecuted 5,523 people in the Capital for driving under the influence. The proposal to penalise drink driving with a ₹10,000-₹5,000 fine, is, therefore, welcome. Under the new bill, compensation for hit-and-run cases will increase from ₹25,000 to ₹2 lakh and for fatal road accidents, up to ₹10 lakh. Also, it proposes the creation of a Motor Vehicle Accident Fund that would extend a compulsory insurance cover to all road users for certain kinds of accidents and the protection of good Samaritans from civil or criminal action.

One of the biggest speed-bumps for the BJP government before it realises the objective of reducing fatalities by 50% in five years is ensuring that only those with requisite expertise get a licence to drive. Although the fear of heftier fines is a step in the right direction, only airtight implementation can ensure that wayward drivers don't get away by greasing the palms of authorities at various levels.

A faulty prescription

The words 'as far as possible' could become a legal loophole in a progressive HIV/AIDS prevention bill

In spite of the fact that Union health minister JP Nadda has promised in the Lok Sabha that the government is committed to providing free treatment and medicines to HIV+ persons, the wording of the HIV and AIDS (Prevention and Control) Bill, 2017, provides cause for concern. The clause allows HIV positive citizens to have access to treatments and medicines "as far as possible". This could prove to be a loophole in an otherwise progressive and much-needed bill. To say that treatment and benefits will be provided "as far as possible" is to provide an excuse right at the outset, for the possibility of the failure of the system.

The bill seeks to address HIV-related discrimination, ensure that HIV+ patients are not discriminated against for either jobs or education, to strengthen the existing programme by bringing in legal accountability, and to establish formal mechanisms for complaints and to redress grievances. This is a welcome step up from the earlier provision that only patients with a CD4 count of less than 500 were eligible for free treatment. The only fly in the ointment here is the escape route that the government may have allowed itself, by promising treatment only up to a point.

In a country where it is routine for primary health centres to run out of essential medicines and for people to be turned away from hospitals for flimsy reasons; such a clause will hamper the effective implementation of an important healthcare effort that is aimed at some of the most vulnerable members of society. The health minister's assurances might not mean anything when HIV+ citizens are denied their rights because of either government apathy or the lack of medicine. It will leave no legal recourse for those who suffer, because if a patient does not receive the treatment and drugs she is entitled to, those responsible will be able to wriggle out through the "as far as possible" loophole.

A long history of doublespeak

Despite its espousal of the lokpal during the UPAs' tenure, the NDA seems reluctant to appoint one, writes ABHISHEK SINGHVI

When the Anna Hazare movement was in full flow, the choicest abuses were hurled at it and the then government for the delay in enacting the lokpal. BJP leader Sushma Swaraj spoke eloquently about "an old man who keeps fasting to fight against corruption, an appeal to our collective conscience". Many in the present government accused the UPA of acting like a child in handling the Hazare agitation and strongly supported the just, "fierce and fair" anger. At that time, the current finance minister, Arun Jaitley, said: "We are ready to pass it (Lokpal bill) without a debate".

Cut to reality. All concrete initiatives were taken by the UPA. A joint drafting committee was created in April 2011, and the bill was introduced in the Lok Sabha in August 2011. It was referred to the Parliamentary Standing Committee, which I had the privilege to chair. In a record four months, after examining over 140 witnesses in 15 meetings spread over 40 hours, the 31-member Committee comprising 17 political parties submitted a near-unanimous report. Despite agreeing in the Committee, the BJP opposed it in Parliament. The Act was passed in both Houses at the end of 2012 and after Presidential assent, brought into force on January 16, 2014.

In the last 36 months, every possible excuse has been trotted out to avoid bringing in the lokpal. One of the funniest excuses is that the Act as passed refers to 'Leader of Opposition' (LoP) being in the selection committee to select the lokpal; and the Congress, with 44 members, and the largest in the Lok Sabha, does not qualify as LoP and hence the government has no selection committee. The fact that a one line amendment recognising the single-larg-

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est party in place of the LoP in the Lok Sabha can be passed in five minutes has escaped those who glibly trot out such specious and flimsy excuses.

An amendment was made about the mandatory disclosure of assets in the Lokpal Act in 2016 but the LoP amendment was deliberately avoided. Indeed, the government amended the Central Bureau of Investigation Act to recognise the single-largest party in Lok Sabha instead of LoP. While the Centre has no compunction in passing the largest number of ordinances in the shortest time and in camouflaging several non-money issues as Money Bills, it is comical to see the kind of helplessness it pleads on lokpal.

Since institutional memory in India is short, we are being condemned to repeat the lessons of history. We haven't learnt from the Gujarat experience from 2003 to 2013, the period of chief minister Narendra Modi's tenure, which never saw a lokayukta appointed. Instead, it was resolutely and obstinately blocked by the state government for a decade. Gujarat's lokayukta post fell vacant in 2003 when Justice SM Soni demitted office. No one was appointed. In 2006, Justice KR Vyas was proposed and then delayed, deserted and denied. In 2010, the state government finally proposed Justice JR Vora, a person who it had

earlier opposed. The Gujarat Act specifies a selection process with no ostensible role for the chief minister and creates a selection Collegium comprising the high court chief justice, governor, and the LoP. Though the Supreme Court in 2013 held that the governor cannot act independently but on the advice of the state government, the court also accepted that the primacy in the collegium is assigned to the chief justice. Consequently, when the collegium in 2011 appointed Justice RA Mehta, the state government's opposition to him was without legal basis.

Unprecedentedly, the state government filed a writ in the high court challenging Justice Mehta's appointment. After losing, they persisted and carried an appeal to the Supreme Court. The apex court dismissed the appeal on January 2, 2013, upholding Justice Mehta's appointment.

In concluding para 74, the Supreme Court said: "The facts of the case, revealed a very sorry state of affairs, revealing that in the State of Gujarat, the post of Lokayukta has been lying vacant for a period of more than 9 years... only a few half-hearted attempts were made to fill up the post..."

Despite the Supreme Court upholding his appointment, the Mehta resigned in August 2013 writing in his letter that "the present controversy has degenerated the office of the Lokayukta and adversely affects its credibility. The appointment has lost all grace and dignity." The Lokayukta post thus lay vacant for a decade. As in many other issues, this government has already successfully replicated the Gujarat model.

Abhishek Singhvi is MP, national spokesperson of the Congress, former additional solicitor general and former chairman of the parliamentary standing committee on the Lokpal. The views expressed are personal.

comment



Anti-corruption activist Anna Hazare during his fast in protest against the proposals of the Parliamentary Standing Committee on the Lokpal Bill in New Delhi, December 11, 2011
RAJ K RAJ/HT

newsmaker

FAROOQ ABDULLAH Former J&K cm and National Conference president

TODAY...THERE IS DICTATION BEING DONE IN DELHI TO MAKE INDIA A COMPLETE HINDU RASHTRA, WHICH WAS NOT THERE WHEN THE COUNTRY CAME INTO EXISTENCE. I SEE INDIA HEADING TOWARDS DISASTER. IF THIS POLICY OF DIVISION AND ONE-RELIGION RULE CONTINUES TO DICTATE TERMS, I SEE NOTHING BUT A DARK FUTURE

Illustration: SIDDHANT JUMDE



THINK IT OVER »

I OBJECT TO VIOLENCE BECAUSE WHEN IT APPEARS TO DO GOOD, THE GOOD IS ONLY TEMPORARY; THE EVIL IT DOES IS PERMANENT.

MAHATMA GANDHI

Hasina's visit was a win-win for both countries

Ranajoy Sen

A visit by a nation's ruler to another capital is a success for bilateral relations when there aren't any hitches during the course of that visit. Nonetheless, the same visit is also dubbed a success, even if there are one or two unresolved riders, which are substantially eclipsed by a myriad successful accomplishments. The Bangladesh Prime Minister Sheikh Hasina's visit to New Delhi could be described as the latter. The imbroglio over water sharing between India and Bangladesh from the Teesta River has not been resolved. But, other agreements indicate the potential for bilateral relations to strengthen constructively.

Prime Minister Narendra Modi and West Bengal chief minister Mamata Banerjee were not in consensus regarding the pressing issue of the Teesta River water distribution with Bangladesh. Nevertheless, the leaders saw to it that despite some contrarian positions, the silver lining for a solution

was not elusive. Not a trace of acrimony was visible during Hasina's stay. The substance and volume of joint declarations and agreements between India and Bangladesh are substantial. If implemented, it could create ingredients to strengthen the relations between the two countries.

While the paramount issues of security, battling terrorism, defence cooperation and stemming cross border infiltration - primarily from Bangladesh to India - have featured clearly in the 22 pronouncements, the issue of particular import has been the strengthening of economic diplomacy with Bangladesh. A massive credit line to the tune of \$5 billion has been announced for Bangladesh to enable economic infrastructure development and maintenance - by Indian public and private sectors, of ports, railways, airports, and technological facilities. By doing so, India has signalled to Dhaka that although it might not yet be able to match the \$24 billion that China had promised as aid for Bangladesh in 2016,

India, having far greater geographic proximity to and more cultural similarity with Bangladesh, would not hesitate to help it with monetary largesse. At home, Hasina could emphasise the net outcome of her India visit and tide over any criticism surrounding it. Banerjee's insistence for beginning the long-due adequate dredging of rivers flowing from India to Bangladesh, to ensure more water flows into that country has some merit. Banerjee is supportive of and recognises the need for sharing more water with Bangladesh. But, she is keen to explore other feasible options of water distribution other than the Teesta River's water - very necessary for northern West Bengal.

With so much positive energy in this bilateral relation, both countries, sooner than later, are bound to hammer out a mutually satisfactory solution as regards this crucial resource of water.

Ranajoy Sen is a commentator on foreign affairs. The views expressed are personal.

overthevindhya

South India holds the key to Modi's legacy

To become a pan-India party, the BJP must focus on Karnataka, Odisha, Andhra Pradesh and Telangana

Shailesh Kumar

With the dust just beginning to settle following Prime Minister Narendra Modi's massive victory in Uttar Pradesh, he and the BJP will inevitably be thinking about what's next. Their top concern will be how to carry the momentum forward and fulfil their aspiration of replacing the Congress as the pre-eminent national party. To achieve this goal, they will need to extend the party's reach and capture the elusive Upper House of Parliament. The solution to this lies in the south.

A nationwide presence would allow Modi to recast institutions, and build a legacy that makes the current administration more than just another "non-Congress" government. Yet, the conversion of the BJP as a Congress replacement will not be complete until, like the Congress, it expands into more state capitals and accordingly secures the Upper House.

The recent five state elections have the capacity to increase the NDA's Upper House seat count from 74 to 100 - but for a majority it will require 123 seats.

There are four southern states where the BJP does not have a major presence but can offer tremendous value: Karnataka, Andhra Pradesh, Odisha, and Telangana. These states hold the keys to Modi's aspirations.

The Telugu Desam Party, an ally of the BJP, is in power in Andhra Pradesh and wields substantial influence in Telangana. The BJP has a close working relationship with the TDP and should work through it to secure electoral support.

It is Karnataka and Odisha where the BJP will focus its attention, which can add upwards of 18 Upper House seats.

The BJP's ties with the AIADMK, which maintains significant control in Tamil Nadu, has had at best been tenuous. Co-opting the AIADMK would be the

ultimate coup for the BJP.

In addition to building an Upper House presence, winning and developing a presence in these southern states will fulfil the BJP's desire to become a pan-India party and break out of the Hindi heartland. All other parties, including the Congress, will become regional entities bound by a common focus of dislodging the BJP.

Thus, 2017 appears to be a mirror of 1977 when a coalition of Centre-Right parties came together with to break Congress' status as the national party.

The poles of politics in India are on the verge of flipping, an event that has decades-long implications for India, its governance, and its institutions. And for the BJP, the path to completing this re-orientation lies in winning the south.

Shailesh Kumar is senior analyst for Asia, Eurasia Group. The views expressed are personal.