

## **States cannot lower fines below prescribed limits under Motor Vehicles Act: Central Government**

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**The new Act with stricter provisions came into force from September 1, 2019.**

The Central Government on Monday said that no state can lower traffic penalties below the level prescribed under the new Motor Vehicles Act.

In an advisory to states, the road, transport and highways ministry said the Motor Vehicles (Amendment) Act, 2019 is a parliamentary legislation and the state governments cannot pass any law or take executive action to lower penalty below the prescribed limit unless President's assent has been obtained to related state law.

The transport ministry had sought legal advice on this from the law ministry after one of the states had notified amounts for compounding of certain offences lower to what has been prescribed in the new Act.

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"Ministry of Law and Justice has tendered their advice after seeking opinion of Attorney General of India. The Attorney General has inter alia observed as under: "The Motor Vehicles Act, 1988 (as amended by Motor Vehicles (Amendment) Act, 2019) is a Parliamentary legislation, the state governments cannot pass any law/take executive action to lower the penalty/fine below that prescribed under the statutory provisions of the Motor Vehicles Act, unless the assent of the President is obtained to such state law," the Ministry said in an advisory to states.

The advisory to the principal secretaries of states also mentioned the legal opinion that in case of the failure of states to implement the Act, reference may be made to Article 256 of the Constitution that authorises the Union of India to issue directions to a state as may be necessary for the purpose.

Article 256 provides that the executive power of every state shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that state, and the executive power of the Union shall extend to the giving of such directions to a state as may appear to the Government of India to be necessary for that purpose.

The advisory also quoted Attorney General's opinion that "the disobedience of these directions could well attract the provisions of Article 356 of the Constitution of India, and one could therefore proceed on the basis that the central law would implicitly be obeyed by the State governments".

### **Making Corporate India Comply**

The ministry said the objective of the Act and enhancement of penalties for traffic violations was to ensure greater compliance and enhancing deterrence for violation of traffic rules which is intended to provide for better road safety resulting in reduction of accidents and fatalities on roads.

Earlier, the government had said that for certain offences Gujarat, Karnataka, Manipur and Uttarakhand had reduced the penalties.

Under the amended Act, violations such as drunken driving and dangerous driving attract fines of Rs 10,000 and/or imprisonment of six months to two years.

Penalty for driving without licence was increased to Rs 5,000 from Rs 500 earlier, while riding two-wheeler without helmets will not only attract fine of Rs 1,000 but could lead to suspension of licences for the next three months.