

Hit and Run New Law, Provisions, Significance, Concerns

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Hit-and-run cases account for a significant portion of road accidents in India, as drivers often flee the scene to avoid police inquiries, punishment, and the risk of mob violence. This escape frequently denies victims timely medical assistance, leading to preventable loss of lives. Before the Bharatiya Nyaya Sanhita (BNS) was introduced in 2023, such cases were governed by the Motor Vehicles Act, 1988, and the **Indian Penal Code** (IPC). However, the lenient provisions under these laws, coupled with the rising number of road accidents, underscored the need for stricter regulations.

Despite its intent to ensure accountability, the new law has faced opposition from drivers and transporters, citing concerns over potential misuse, unfairness, heightened mob violence risks, and inconsistencies with existing laws. Responding to protests, the government has assured stakeholders, particularly drivers, that their inputs will be considered before the law is implemented.

Hit and Run New Law

The new hit-and-run law is part of the **Bharatiya Nyaya Sanhita** (BNS), introduced in December 2023, featuring 358 sections to replace the colonial-era Indian Penal Code. This law imposes stricter penalties on drivers involved in hit-and-run cases. Recently, drivers in states such as Maharashtra, West Bengal, Chhattisgarh, and Punjab have organized protests against the new provisions.

What are Hit and Run Accidents?

Hit-and-run accidents occur when a motor vehicle collides with a person, another vehicle, or property, and the driver leaves the scene without stopping to assist the injured or reporting the incident to authorities. These cases are treated as serious offenses because they often result in injuries or fatalities and violate the moral responsibility of drivers to provide aid in such situations.

Status of Hit and Run Law before New Law

Motor Vehicles Act, 1988: This Act mandates drivers involved in accidents to stop their vehicles, assist the injured, and report the incident to the nearest police station.

Indian Penal Code (IPC):

- **Section 279:** Addresses rash or reckless driving that endangers human life, with penalties including imprisonment of up to six months, a fine, or both.
- **Section 304A:** Pertains to causing death by negligence. Individuals responsible for fatalities due to rash or negligent driving can face imprisonment of up to two years, a fine, or both.

Why Was a New Hit-and-Run Law Needed?

1. Rising Road Accidents:

- In 2022, 47,806 hit-and-run cases were reported, resulting in 50,815 deaths (NCRB data).
- Road accidents in India are increasing at 12% annually, with fatalities rising by 9.4% year-on-year.
- On average, 19 people die every hour in road accidents, with one death occurring every 3.5 minutes.
- National and State highways, despite constituting only 5% of India's road network, account for over 50% of road accident-related deaths.

2. India's Share in Global Road Accidents:

- India, with just 1% of the world's vehicles, accounts for 10% of global road accident-related deaths.
- The country loses 5-7% of its GDP annually due to road accidents.

3. Increasing Driver Accountability:

- Under the IPC, the penalty for causing death by rash driving was limited to a maximum of 2 years imprisonment.
- Stricter laws were required to hold drivers accountable and deter reckless behavior.

4. Empowering Victims:

- Stronger legal provisions were necessary to ensure victims of road crashes receive appropriate compensation and justice.

Hit and Run New Law Provisions

The new hit-and-run law under the Bharatiya Nyaya Sanhita (BNS), introduced in December 2023, enforces stricter penalties for drivers who flee the scene of an accident, leaving injured victims unattended.

- **Section 106(2):** Imposes a jail term of up to 10 years and a fine for drivers who leave the accident site without reporting the incident to the nearest police station.
- **Section 106(1):** Prescribes a lesser punishment of up to 5 years imprisonment for drivers who report the accident to the police, acknowledging their responsibility while addressing fatalities caused by rash driving.

The new hit-and-run law aims to enhance driver accountability in such cases and has the potential to save lives by imposing stricter penalties on drivers who flee accident scenes. However, the law has raised concerns among drivers, prompting protests demanding the withdrawal or amendment of Section 106(2) of the Bharatiya Nyaya Sanhita, 2023. The protests were recently suspended after the government assured that all stakeholders, particularly drivers, would be consulted before the law's implementation. Such consultations, if conducted earlier, could have helped address these concerns more effectively.

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