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Analyzing The Role of New Driving License Rules in Combating Corruption: A Critical Examination

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This article looks into the important role of the new driving licensing rules set by the Ministry of Road Transport and Highways in fighting corruption within India's transportation system. The old licensing system had a lot of problems and dishonest behaviour, with people often paying more money than they should and driving tests. These bad actions led to many unqualified drivers getting licenses, which made the roads unsafe. The new rules aim to fix these problems by making the application process simpler, giving stricter punishments, and moving driving tests to certified private centres. By cutting down on opportunities for bribes and making sure licenses are given based on merit, the new rules create fairness and responsibility. This summary outlines the anticipated impact of these changes on reducing corruption, enhancing road safety, and improving the fairness and effectiveness of the licensing system. By looking deeply at these changes, the article shows how they are important in changing India's way of handling road safety and laws.

Keywords: *corruption, road safety, efficiency of the licensing system, underage driving penalties, and bureaucratic accountability.*

INTRODUCTION

On average, people end up paying approximately twice the official fee to acquire a driving license, with only a small fraction undergoing the mandatory driving test.¹ This leads to a concerning situation where many individuals hold licenses without possessing the necessary skills, posing risks on the roads. The extent of this problem increases with citizens' willingness to pay more for licenses, indicating that corruption goes beyond simple transactions between citizens and bureaucrats. Instead, it creates significant distortions in the allocation of licenses.²

The process of getting a commercial driving license has been difficult due to bureaucratic red tape, creating chances for corruption. Many barriers, such as additional costs and complicated documentation, have been faced by aspiring drivers, which has resulted in bribery and fraud. To maintain law and order in transportation and advance road safety, the Regional Transport Office (RTO) in India offers licenses, permits, and vehicle registrations. However, problems including bogus licenses, overloaded cars, and accidents have been brought on by corruption among RTO employees. In 2017, around 80% of accidents involved drivers with valid licenses. A little over 32,000 driver's licenses are issued per day.³

The Motor Vehicles Act of 1988⁴ assigns responsibility for issuing driving licenses and managing the operations of RTOs to the Ministry of Road Transport and Highways (MoRTH) in India. By strengthening penalties, increasing transparency, and simplifying processes, the new driving license laws – which take effect in 2024 – are intended to lessen corruption.

The Ministry reduced the number of papers needed to decrease the number of trips to RTO offices. This reduces dishonest behaviour while also increasing efficiency. Through the Comprehensive Prevention of Corruption Act of 1988⁵, corruption in government agencies is tackled. The new driving license laws for 2024 aim to discourage young drivers from getting

¹ Marianne Bertrand, 'Corruption in Driving Licensing Process in Delhi' (2008) 43(5) *Economics & Political Weekly* <<https://www.jstor.org/stable/40276977>> accessed 05 June 2024

² *Ibid*

³ Priya Kapoor, 'Road safety shocker: 80% road accidents caused by valid licence holders' *The Times of India* (22 October 2022) <<https://timesofindia.indiatimes.com/india/road-safety-shocker-80-road-accidents-caused-by-valid-license-holders-in-2017/articleshow/66311837.cms>> accessed 05 June 2024

⁴ The Motor Vehicles Act of 1988

⁵ The Comprehensive Prevention of Corruption Act of 1988

into accidents by imposing heavy fines of up to ₹25,000⁶. This article examines how these regulations affect matters of road safety and corruption.

BACKGROUND

In the 2017 case *Mukund Dewangan v Oriental Insurance Company Limited*⁷, the issue of whether a person having a light motor vehicle (LMV) driving license might use such a license to operate a transport vehicle with an unladen weight of no more than 7500 kg was raised.

Amitava Roy, Arun Mishra, and Sanjay Kishan Kaul, the three judges on the panel, determined that operating a transport vehicle with an unladen weight under 7,500 kg did not require a particular endorsement in the 'Light Motor Vehicle' driver's license. So long as the unladen weight of the 'transport vehicle of light motor vehicle class' does not exceed 7500 kg, the holder of an LMV driving license may operate one. When a coordination bench in 2022 questioned the *Mukund Dewangan* ruling, the case was sent to a five-judge panel.

The Ministry of Road Transport and Highways was ordered by the bench to review the statute in September of last year. When the case was heard by a bench that included Justices Hrishikesh Roy, PS Narasimha, Pankaj Mithal, and Manoj Misra in addition to CJI DY Chandrachud, the CJI noted that the problem at hand was solely statutory in nature rather than constitutional. Regarding the 2017 ruling in *Mukund Dewangan v Oriental Insurance Co. Ltd.*⁸, which determined that transport trucks with gross weights under 7,500 kg were not excluded from the classification of light-duty vehicles, the bench concluded that 'If the *Dewangan* judgement is felt to be incorrect, the government can bring in an amendment that lacks drivers across the country, maybe working on the basis of this judgement.'

This is more than simply a legal issue; it is also about how laws affect society. Enhanced road safety has to be weighed against the law's societal aim, and you have to check whether this results in significant difficulties. We cannot decide issues of social policy in a constitutional

⁶ 'New driving license rules in India from June 1: Here's all you need to know' *The Indian Express* (28 May 2024) <<https://indianexpress.com/article/what-is/new-driving-license-rules-in-india-from-june-1-heres-all-you-need-to-know-9356575/>> accessed 05 June 2024

⁷ *Mukund Dewangan v Oriental Insurance Company Limited* (2017) 14 SCC 663

⁸ *Ibid*

bench; this has to be done at the policy level rather than us deciding it in this court. This case has a significant role in deciding whether the person is required to get a separate driving licence or the vehicle will fall within the LMV.

CORRUPTION HAPPENS WHEN ISSUING DRIVING LICENSES

This responsibility is within the purview of the Regional Transport Office (RTO) in India. For traffic safety and order in the transportation industry, RTO officials are essential. However, corruption is widespread among these officers. This leads to problems like fake licenses, overloaded vehicles, and more accidents.⁹

- **Fake Licenses:** One common form of corruption is fake licenses. Some RTO officers take bribes to skip testing and give licenses to unqualified people. This is dangerous because unskilled drivers can cause accidents.
- **Delay in issuing licenses:** Another issue is the delay in issuing licenses and registrations. Officers purposely slow down the process to get bribes from applicants who want things done quickly. This creates a corrupt culture and makes honest people upset.
- **Favouritism:** is also demonstrated by RTO officers, who give special treatment to specific individuals in exchange for bribery. Unfair benefits, a lack of transparency, and a decrease in government income result from this.
- **Document Forgery:** is a serious problem too, since fake licenses are issued without proper documentation and testing. This compromises the integrity of the licensing process and jeopardizes road safety.¹⁰

To ensure justice, accountability, and openness while granting driver's licenses and other transportation services, the RTO system has to be reformed. The major reform of the new rules is the strong penalties for minor drivers and a less complicated process of getting licences. Resolving these problems would increase traffic safety and restore public confidence in the transportation industry.

⁹ Harshit, 'RTO Officer Corruption in India' (*On Track*, 18 April 2023) <<https://on-track.in/rto-officer-corruption-in-india/#>> accessed 05 June 2024

¹⁰ *Ibid*

ROAD ACCIDENT RATE

Few people are aware that, although they are usually associated with high death tolls and widespread devastation, natural disasters like the Kerala floods actually result in fewer fatalities than road accidents.¹¹

In 2015, there were 14,613 fatalities from traffic accidents – 14 times higher than from natural catastrophes, which claimed 10,510 lives. India is home to 83 crore people, and in 1988 – the year the Motor Vehicles Act was established – 49,218 people lost their lives in road accidents. With 1.32 billion people on the planet today (132 crore), the death toll from traffic crashes has increased to 146,377. This indicates a threefold rise in deaths over the previous 36 years, underscoring the nation's growing road safety issue. Underage drivers were involved in a considerable number of traffic incidents in 2016 (18,738 overall, 5,383 deaths).¹²

According to a road perception study, drivers with legal licenses were responsible for 80% of road accidents in 2017, which is a concerning number. Moreover, 59% of Indians with a driver's license have never completed a competence exam, and over 25% of them have multiple driver's licenses.¹³ One of the main threats to road safety is the fact that most drivers have never taken a driving test. Furthermore, a lot of people have numerous licenses, which lets them keep driving even if one of them is seized. The unethical practices and inefficiency at Regional Transport Offices (RTOs) make the problem worse by making it easier to get licenses for a bribe of ₹3,000–4,000 through unofficial channels and intermediaries, avoiding the need for mandatory evaluations.¹⁴ Public safety is thus seriously threatened by inexperienced drivers, who are effectively operating a possible weapon on the highways.

¹¹ Priya Kapoor, 'Road accidents deadlier than natural disasters; will the Motor Vehicles Amendments Bill be a game changer?' *Times of India* (29 September 2018) <<https://timesofindia.indiatimes.com/india/road-accidents-deadlier-than-natural-disasters-will-the-motor-vehicles-amendments-bill-be-a-game-changer/articleshow/65946551.cms>> accessed 05 June 2024

¹² *Ibid*

¹³ Kapoor (n 3)

¹⁴ *Ibid*

THE NEW DRIVING LICENSING RULE 2024

The Indian Ministry of Road Transport and Highways has made major regulatory changes to streamline the application procedure for a driver's license and fix issues with earlier regulations. These adjustments offer several advantages:

KEY BENEFITS

Environmental Emphasis: Stricter automotive emission standards and the phasing out of 900,000 outdated government vehicles to reduce pollution.

Tougher Penalties: Enhanced penalties for traffic violations, including a ₹25,000 fine for minors caught driving, with further restrictions on their ability to obtain a license until age 25 and potential cancellation of the vehicle owner's registration.

Streamlined Application: Simplified paperwork requirements, reducing the need for in-person visits to regional transport offices (RTOs).¹⁵

PRINCIPAL ELEMENTS GOING INTO EFFECT ON APRIL 1ST, 2024:

Age restriction on cars: All cars older than 15 years old were forbidden from being driven on public roads as of April 1, 2024, thus ending the registration of these antiquated cars.

Stricter Penalties: Offenders will pay penalties between Rs. 1000 and Rs. 2000 for speeding on public highways.

Penalties for Speeding: Driving license infractions carry a substantial punishment of Rs 1 lakh, underscoring the importance of following traffic laws.¹⁶

KEY FEATURES EFFECTIVE FROM 1 JUNE 2024

Test Location Flexibility: Applicants can take driving tests at their nearest preferred centre, with private companies authorized to administer these exams.

¹⁵ New driving license rules in India from June 1: Here's all you need to know (n 6)

¹⁶ *Ibid*

Harsher Consequences for Unlicensed Driving: Increased fines for driving without a valid license and severe penalties for minors driving vehicles.

Simplified Documentation: Applicants will be informed in advance about the precise documents required for their specific license type.

Environmental Initiatives: Gradual phasing out of 9,000 outdated government vehicles and raising emission standards for other vehicles.¹⁷

OBJECTIVE

The main goal of these updates is to improve the driver's license application process, reduce bureaucracy, and prevent dishonest behaviour. The ultimate aim is to enhance road safety and promote environmental friendliness on Indian highways. Applicants can apply online through the official Ministry of Road Transport and Highways website or in person at the relevant RTO office.¹⁸

IMPACT OF THE NEW DRIVING LICENSE RULE 2024

The new regulatory changes by the Ministry of Road Transport and Highways in India are an important step towards fixing the flaws in the existing driving license regulations. These amendments, which are being introduced, not only aim at simplifying the process but are also a measure to check corruption as well as road safety.

COMBATING CORRUPTION

The former driving license system had a major hurdle, such as room for illegal activities, especially when it came to favouritism, which ultimately messed up the marriage of the licensing process. Here is how the new rules plan to address this:

¹⁷ New driving license rules in India from June 1: Here's all you need to know (n 6)

¹⁸ *Ibid*

Simple Application Process: The Ministry makes the application process easier to get a new license and will not take any new licenses. Focusing on the essential and obligatory ones to be included reduces fraud risks related to excessive documentation.

Decentralized Testing Centres': The option of test-taking at test centres of choice, independent companies, or even private companies allows for the decentralization of driver testing. This will also reduce the impact of corruption that may have existed in certain RTOs and will make the evaluation even more transparent across the board.

ENSURING ROAD SAFETY

New driving license rules also factor in the all-important aspect of road safety, especially as far as underage drivers and environmental concerns are concerned. Environment highlighted: the stricter emissions guidelines for automotive industries and the government vehicles phased out show the fight for environmental sustainability. These efforts help bring down emissions and get more clean buses and cars on the road, which leads to safer and healthier road environments as well.

Handling Underage Driving: One of the most important dimensions of the new rules is the strong penalties for minor drivers. Penalties as high as ₹25,000, along with legal action against the underage driver and their parents involved in such breaches, send a strong message about the seriousness of underage driving offences.¹⁹ The regulations are modelled after the powerful disincentive of rulemaking that obligates minors to face the music for their driving behaviours – all in the name of deterrence and public safety, presumably.

Preventing Tragic Consequences: Teenage driving may have disastrous effects on other drivers as well as the young driver.²⁰ Drivers who lack experience and maturity are more likely to make mistakes and act recklessly, which raises the possibility of collisions and deaths. The new regulations aim to stop such catastrophic events and protect lives on the road by severely penalizing young drivers.

¹⁹ New driving license rules in India from June 1: Here's all you need to know (n 6)

²⁰ Kapoor (n 11)

Modifying Attitudes and Behaviours: Penalties act as both catalysts and deterrents for modifications in behaviour. Juvenile drivers are made to reconsider their driving mindsets and understand the significance of following traffic regulations by facing the real repercussions of their behaviour. With time, this mental adjustment may help foster a cultural change in young people's driving habits that emphasizes safety and responsibility.

CONCLUSION

In wrapping up, the new driving licensing rules introduced by the Ministry of Road Transport and Highways play a crucial role in eliminating corruption within the licensing system. Simplifying documentation requirements and making the application process smoother reduces the chances of corruption. Moving driving tests to certified private centres also helps in reducing corrupt practices at regional transport offices.

Strict penalties, especially for underage drivers caught without a valid license, emphasize responsibility and accountability. This discourages underage driving and reinforces the importance of following road safety rules. The rules tackle corruption at its core by ensuring licenses are granted based on merit rather than financial capability or willingness to pay bribes. This creates a fairer system where the integrity of the licensing process is maintained, promoting safer roads and a more trustworthy environment.

To sum up, the new driving licensing rules are a comprehensive strategy to fight corruption and improve road safety. This represents a significant step forward towards a transparent and efficient transportation system in India.