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**Kartikeya Kumar Singh**  
Research Scholar  
Faculty of Law University of  
Allahabad (U.P.),  
India

## Role of E-Governance under Motor Vehicle Law in Indian Scenario

**Kartikeya Kumar Singh**

### Abstract

Nature of Law should be variable, society is Dynamic, and Law should also dynamic. In 21 Century society is based on Information and communication Technology. Law should be govern to the society according to this Large number of people use two wheel, four wheels and Heavy Motor Vehicle in modern society.

Information and communication technologies have a valuable potential to help meet good governance goals belongs to motor vehicle in India.

This paper hopes to give a strategy to proper implementation of e-governance belong to SARATHI AND VAHAN in India This paper brings in accountability of motor vehicle law and rules will hold the people who use motor vehicle and pedestrian who walk on the road. It brings the idea of changes the law according to the modern society. This paper identifies the new responsibility for the traffic administration, driver, and owner of the motor vehicle.

Objective of this paper to encourage e-governance belongs to the Motor vehicle act, 1988 and to develop high level awareness belong to motor vehicle laws and commitment that will carry forward e-governance for driving licence, Registration of motor vehicle and Traffic administration.

**Keywords:** e-governance, SARATHI, VAHAN, Traffic administration

### Introduction

Modern society is based on the science and Technology in India. It is open, progressive the urban and complex. There is present like internet, computer, and mobile, Android, Online Video, and CCTV in modern society in India. In this society large number of people uses it. Due to development of Information technology and communication there are urbanization as a result of which e-society created.

E-Society is society that consists of one more communities involved the area from e-government, e-Democracy, and e-business, e-learning and e-health.

Information and communication technologies have a valuable potential to help meet good governance goals in India. The integration of ICT to reduce the problem of Regional Transport offices, and Traffic administration under the central Motor vehicle Laws and Rules E-governance is the use of Information and communication Technology for planning implementation of motor vehicle law and rules belongs to legal awareness of Traffic laws and rules, issuance of driving licence, Registration of motor vehicle, and Road safety programmes. E-governance is expected to help easy to access citizens services belongs the issuance of driving licence and Registration of Motor vehicle. People of India is every year purchasing high numbers of cars, motorcycles, scooters, scooty, like personal vehicles as well as very high number of vehicles are purchased for mass transportation and goods transportation. Registration of all vehicles is done through Regional Transport offices, situated in all states and Union territories. The National Informatics centre has developed upgraded, web-based versions of these system SARATHI and VAHAN, in which paying online and uploading documents is mandatory the earlier online system.

E-governance centres to make getting a driving licence, Registration of motor vehicle easier. The centre will help people fill forms to obtain driving licences or registration of motor vehicles on-line. CSCS will provide e-governance service to the public.

The Transport aspects that can be easily e-governed include; the registration of motor vehicle,

### Correspondence:

**Kartikeya Kumar Singh**  
Research Scholar  
Faculty of Law University of  
Allahabad (U.P.),  
India

issuing of driving licenses, issue of plying permission, Tax, fee, collection through cash and Bank challans and control of Air Pollution.

Sarathi and Vahan are designed developed implemented and supported by NIC. The issuance of driving licence, Registration of Motor vehicle data and consolidated at state and National level.

The Ministry of road Transport and Highways has been facilitating computerization of more than 1000 Road Transport offices across the country. RTOs issue registration certificate and driving licence that are valid across the country. It was necessary to define same standards for these documents on pan India level to ensure interoperability and correctness and timely availability of information.

SCOSTA committee set up for this purpose had recommended on uniform standardized and deploy the software VAHAN for motor vehicle registration and SARATHI for driving licence and compilation of data with respect to vehicle registration and driving licences of all the states in state Register and National register.

The VAHAN and SARATHI are conceptualized to capture the functionalities as mandated by central motor vehicle Act, 1988 as well as state motor vehicle rules with customization in the core product to suit the requirement of 36 states.

### **E-Governance**

Electronic Governance or e-governance is the application of information and communication technology for delivering government services, exchange of information, communication transactions, intergration of various standalone system and services between government to citizen, government of business, Government to Governmaent, Government to employees as well as back office processes and interactions within the entire government frame work.

Through e-governance, Government services will be made available to citizens in a convenient, efficient and transparent manner.

Under the National e-Governance plan, the Indian government is endeavoring to make sure that the various public services delivered by the Government are done effectively, expeditiously and transparently with minimal hassle. The VAHAN and SARATHI are e-governance initiatives of the government in MMP to deliver to citizens the services under the central motor vehicle Act., 1988 and State Motor Vehicle rules, with appropriate changes in the core product to make it suitable for all states and Union Territories.

The Transport aspects that can be easily e-governance include the registration of Motor Vehicle, issueing of driving licences, issue of permits, fee collection, Tax, and control of Air pollution belongs to motor vehicle.

### **SARATHI**

It is a work of flow based on software solution developed by the National Informatics centre. It helps DTOs to issue learner licence, Driving licence, conductor licence, to the citizens and license for Driving school Establishment. It follows and the central motor vehicle Act, 1988 and state government enacted motor vehicle rules. it is a flexible and simple software to issue any type of licence by Any DTO. It implements state of the Art Biometric Technologies.

1. Signature Pad - for capturing applicant signature.
2. Thumb impression Reader - For capturing applicant Thumb impression.
3. Web camera - for capturing applicant photo Image.

It provides issue/renewal of learning licence, permanent driving licence, conductor licence, driving school establishment licence.

### **VAHAN**

It is a highly flexible and comprehensive software system developed by NIC. It takes care of all the process related to the Motor vehicle Registration. The Software enables the process at RTOs vis-a-vis motor vehicle Registration, Fitness, Taxes, Permit and enforcement to get computerised. It is conceptualized to capture the functionalities as mandated by central motor vehicle Act 1988 as well as Rules. It helps to provide better services to the citizens, quicks implementation of government policies from time to time and improve the image of government and RTO office.

It is a comprehensive online system for all activities related to vehicle Registration at Regional Transport offices. It is mandated by the central motor vehicle Act and Rules. It also deals with Fitness, collection of fees, taxes, permits and enforcement activities.

### **Statutory Provision under the Motor Vehicle Act, 1988**

In India, with 110 million drivers and more than 182 million vehicles in 2013, is facing many challenges belong to issue of driving licence, registration of motor vehicle, road safety, and air pollution. Traffic management belongs to issue of driving licence and registration of motor vehicle is very complicated issue in modern time.

SARATHI and VAHAN are mandated by the Motor vehicle Act, 1988 and Rules.

SARATHI is easily provided to issue learner licence, Driving licence, conductor licence to the citizens and licence for driving school establishment.

Sec. 3 of the motor vehicle Act, 1988 states that no person shall drive a motor vehicle in a public place without holding a valid driving licence. Chapter II and Rules 3 to 9 of the central motor vehicle Rules 1989 deals about the Licensing of drivers of Motor vehicles. Sec. 3 of the Motor vehicle Act. 1988 is mandatory and prospective. Sec. 9 of the Motor vehicle Act, 1988 deals about the Grant of driving licence. Scope of this section is very wide. These sections are not directly saying about issuing of driving licence online or offline or traditionally paper based document. This section indirectly describes about issuing of driving licence through SARATHI. According to the sec. 27 of the Motor vehicle Act, 1988, the central Government maker rules specifying the fees payable under sec. 8(2), 9(2), 15(3), 15(4) for the grant of learner's licences and for grant and renewal of driving licences and licences for the purpose of regulating the schools or establishments for imparting instructions in driving motor vehicles and any other matter which is or has to be prescribed by the central government.

Sec. 29, 30 of the Motor vehicle Act, 1988 provides for the necessity for conductor licence and grant of conductor licence. Scope of 29 and 30 are mandatory and prospective provision. It is not directly say about the issue of conductor licence online or offline or Traditional based paper

document.

Sec. 39 of the Motor vehicle Act, 1988 provides about the necessity for registration of Motor vehicle Chapter III, Rule 47 to 81 of the central motor vehicle rule, and 1989 deals about the registration of Motor vehicle. Section 9 of the Motor Vehicle Act, 1988 is mandatory and prospective provision. Scope of this section is very wide. It does not describe directly about the registration of motor vehicle online or offline. It is also indirectly describes about the registration of motor vehicle through VAHAN. It also indirectly encourages the e-governance system in RTO.

The sec. 64 of the Motor Vehicle Act, 1988 provides that the central government makes rules about any other matter which is to be, or may be, prescribed by the central Government.

Sec. 66 of the Motor Vehicle Act, 1988 states that necessity for permits. It says that No owner of Motor vehicle shall use or permit the use of the vehicle as a transport vehicle in any public place. Scope of this section is very wide. It is mandatory and prospective. This section is not say clearly permits of the motor vehicle online or offline. It is also encourage the permets of motor vehicle through VAHAN indirectly.

Provision of the motor vehicle Act, 1988 also encourages the e-governance system indirectly.

### Suprem Court Guide Line

In the case the Supreme Court held that the centre is in the process of linking driving licences with Aadhar Number to weed out face licences and software for this covering all states on a real time basis is under preparation.

A bench comprising Justice Madan B Lokur and Deepak Gupta was informed about it by a court appointed committee on a road safety headed by former S.C. Judge J.K.S. Radha Krishnan.

This assumes significance as a five Judge Constitutional bench headed by Chief Justice Deepak Mishra is currently hearing a clutch of petitions challenging the constitutional validity of the Adhar Scheme and the enabling 2016 Law.

The committee, in its report filed in the court said it had held a meeting with the joint secretary of ministry of road transport and Highways discuss several issue, including procurement of fake licences and how to eliminate it, on the issue of fake licences, Joint secretary, MoRTH informed that NIC (National Informatics Centre) is now preparing Sarathi-4 under which all the licences would be to aadhar. The report said, this software will cover all the states on real time basis and it will not be possible for anyone to get duplicate or fake licence anywhere in the country."

The advocates representing the committee told the bench that panel was scheduled to have a meeting with the MoRTH and other authorities to discuss compliance of direction given by the apex court earlier. Additional solicitor General, appearing for the ministry, told the bench that fatalities in road accidents in India have down by around 3% in 2017 as compared to 2016. The bench said it was "heartening to know" that number of fatalities and injuries in road accidents have come down. In Its report, the committee said it had asked states and Union territories (UTs) to forward road accident data for entire 2017.

The report said, "The committee has received data from all the states/UTs, except Arunachal Pradesh, Manipur, Mizoram, and Daman and Diu which indicates that in the

states/UTs which have submitted data, there has been a reduction of 4, 558 fatalities (i.e. 3%) and 24, 023 injuries (i.e. 5%) in 2017 as compared to 2016.

The committee told the court all the states to set up a road safety fund which would be nonlapsable and have a steady flow of funds by diversion of "Significant" portion of fines collected from traffic violations. It said some states have already set up road safety fund and the committee was pursuing the issue with remaining states in order to ensure full compliance of the apex court's order which had said that the fund should be established at 31 March 2018.

The report said at the Nov. 28 last year meeting, it was discussed that since driving licences were now in the form of a smart card, it punching in cases of default was likely to damage the stored in it.

"Joint Secretary MoRTH pointed out that presently NIC is in the process of developing all the states would be covered under the same." "This data base is likely to be effective from Oct. 1, 2018," it said adding, that all the offences committed by the driver would be recorded in this data base and there would be no necessity for punching of driving licences.

The committee further said that 20-25% fatalities on roads occur due to non-existence of pedestrian facilities, like footpaths, over-head passes and under passes.

The court said that the committee should ensure compliance of its directions given earlier. The apex court issue a slew direction on road safety and asked all states and UTs to set up a trauma centre in each district of the country and make safety norms part of school curriculum. It has also directed that road safety education and counselling be made a part of school curriculum by the state board by April 1, 2018, and at least on trauma care centre be setup in every district with an ambulance. The court had issued its direction on a PIL raising the issue of road in the country.

### Suggestion

- The Government should be encourage e-governance belongs to motor vehicle in India.
- The Government should be encouraged issuing of driving licence, learner licence, conductor licence to the citizens through VAHAN under Central Motor Vehicle Act, 1988.
- The Government should be encouraging registration of motor vehicle through SARATHI under central Motor vehicle Act, 1988.
- The central government should amend the motor vehicle Act, 1988 according to modern society because modern society is based on science and technology.
- The Government should be encourage e-governance system in the field of traffic administration with power, function, liability and duty.

### Conclusion

Modern society is based on Science and Technology. Society is variable with time to time. Law should be change according to this situation.

Under the National e-governance plan, the Indian government is endeavoring to make sure that the various public services delivered by the government are done effectively, expeditiously and transparently, with minimal hassle. The SARATHI and VAHAN are e-governance

initiatives of the government to deliver to the citizen's services under the central motor vehicle Act, 1988 and rules and state motor vehicle rules with appropriate changes in the core product to make it suitable for all states and Union territories.

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