

# Comparative Analysis of Road Offences in Pakistan: A Comparison with Asian Countries

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## Abstract

Road safety laws are essential in controlling road accidents and traffic violations and punishing the offenders who kill or injure road victims. In Pakistan, road accidents are increasing due to a lack of management and weak legislation. This study is a comparative research design to analyze legal frameworks in three Asian countries: India, Bangladesh, and Pakistan. The reason behind selecting these countries is that they have the same socio-economic conditions, traffic density, and road infrastructure. The research findings reveal that India and Bangladesh have amended their motor vehicle and road transport acts, imposing stricter penalties for road offence violators. At the same time, Pakistan lags in amendments in road crash clauses. In Pakistan, not even a single person is penalized for killing road users in road crashes. Nevertheless, Pakistan demonstrated outdated legislation, weak enforcement/ governance, and low priority in securing the roads compared to the regional countries. The study highlights the weaknesses and strengths in countries; by identifying the gaps, the study recommended that Pakistan's government update the existing legislative framework on road offences and strengthen the fines and punishments for road offenders. The upgradation in road laws could improve the public health and safety of road users and deterrence in Pakistan among road offenders.

**Key Words:** Road safety laws, offenders, motor vehicles, road crashes.

## Introduction

Road offenses risk people's lives, but these risks vary from society to society and region. In the context of risk society (Beck, 1992), vehicles pose various risks, including accidents, environmental pollution, and the cost of vehicle damage. These risks highlight the complex interplay between technology, culture, and the environment, shaping our perceptions and management of risk in modern life. Motor vehicles are a significant part of our lives and help us move from one side to another, but everything that provides benefits also puts lives at risk (Beck, 1992). Motor vehicles are also destructive for road users and cause injuries and deaths. Solaiman and Algie (2022) explained that driving and motor vehicles are risky on roads, as dangerous and negligent driving on roads has the potential to kill people; road safety rules and regulations control risky driving.

Road safety laws significantly modify road users' behavior by imposing traffic offenses and penalties. Effective legislation increases compliance with traffic laws, and enforcing rules and deterrence systems reduces road violations and road accidents (King, Watson & Fleiter, 2019; Muir, Johnston & Howard, 2018). Assessing and identifying the efficiency of road safety countermeasures are significant for developing safe systems, including legislation and enforcement, which can reduce the risky behaviors of road users. The lack of traffic law enforcement reflects the incompetence of road safety governance and the inability to deter and penalize road user offenders in illegal activities that cause injuries to other road users.

Pakistan is a developing country with low per capita income and is densely populated. The number of vehicles used for transportation has increased over the past decade in Pakistan. However, Shiren (2021) explained that road insecurity has increased manifolds, as traffic accidents still result in over 28,170 deaths, and annually, 50 thousand people get injured (disabled) in road traffic accidents in Pakistan. The number of vehicles on the road is increasing, which puts road users at more risk and increases the likelihood of accidents (Shah & Ahmad, 2019). Along with the growing number of vehicles, improper management of the existing resources is one of the significant challenges for Pakistan, and serious attention is needed to take some action. Furthermore, in Pakistan road safety authorities (government and legal institutions) have paid less attention to road traffic laws and enforcement approaches. Furthermore, road safety legal institutions are being disjointed and lack the purpose and agenda of road safety. Majorly, Pakistan has political instability where political parties have their interests and manifestos and are less concerned or ignore the importance of the road safety legislation system, whether related to law amendments or increasing the fines and deterrence system.

In this study, legislative framework analysis on road offenses is significant as there is a lack of comparative analysis and effectiveness among South Asian countries. The legislative framework governs fines and penalties. This research identifies the gap by examining the legal frameworks in Pakistan, India, and Bangladesh and illegal insights for improving road accident policies in Pakistan. Additionally, the study's uniqueness lies in the laws of Pakistan being studied on road offenses. The existing literature in Pakistan is more focused on road traffic violations, road accidents, and road challenges, but road offenses are persistent issues that lead to legal outcomes. We were unable to find any comparison of the legal frameworks in the region. Therefore, this study investigated how road safety laws differ in Pakistan and Asian countries when studied across the m and implementation of road accidents for offenders.

### **Aims and Objectives**

Related to the present study objectives are:

- To evaluate the difference in road accident offenses between Pakistan and selected Asian countries' road acts, ordinances, and penal codes.
- To find gaps in road accident laws and compare them with those of Asian countries.

## Methodology

The research design used in this study is comparative research, which is an integral part of social sciences that deals with differences among cultures and countries, and in sociology, it is called cross-societal analysis (Iranifard & Roudsari, 2022; Frank & Vliegthart, 2017). Comparative research is a technique that examines the phenomena and then places them next to each other to discover their resemblances and differences (Miri & Shahrokh, 2019). Conducting comparative research extends knowledge and understanding regarding one's own country and systems that prevail in other countries. We studied all the legislative frameworks (act/ ordinance// rules/ regulations) and list of fine related to the road traffic violations. We collected the information available on official websites and documents that we can access as much as possible from the libraries. The legislative framework was selected based on geography, traffic density and relevancy in the legal context of road safety. The laws explicitly address road violations, offences, fines and penalties. Conversely, the road traffic systems and challenges of Pakistan, India, and Bangladesh allowed for a meaningful comparison. Pakistan Penal Code (1860) and Pakistan Motor Vehicle Ordinance (1965) are Pakistan's legal frameworks for road safety. The India Motor Vehicle Act (2019) and Bhartiya Naya Sanhita (2023) are the updated laws that address road offences in India. Bangladesh Motor Vehicle Act (2018) is substantial in understanding the legal frameworks on road accident offences in neighboring countries. Furthermore, specific sections of different frameworks highlighted the severity of punishment, fines, and the precision of enforceability of legal provisions.

The target population is the legislative framework, such as the Pakistan Penal Code (1860), the Pakistan Motor Vehicle Ordinance (1965), the India Motor Vehicle Act (2019), Bhartiya Naya Sanhita (2023), and the Bangladesh Motor Vehicle Act (2018). The unit of analysis is road driving sections that specifically indicate road accident punishments and fines in the legislative framework are Pakistan Penal Code (1860) road accidents offense sections 279, 320, 322, 337G, and 427, India Motor Vehicle Act (2019) section 161 (A), Bhartiya Naya Sanhita (2023) section 106(2), Bangladesh Penal Code (1860) section 304(B) and Bangladesh Road Transport Act 105.

The researcher used purposive sampling in this research on the basis of purposefully selective road accident laws of each country. The research team extracts clauses dealing road accidents and compares each other to identify what is different or similar. The comparative approach helps in understanding concepts by interpreting the data.

The first technique for data collection is to scrutinize the written documents of the Road Safety Act and Ordinances for Pakistan and other Asian countries, which allowed the research team to identify and choose similar sections and trends in the rule book. This study covered road safety clauses in Pakistan and compared the status of the road crash legal framework with those of Asian countries such as India and Bangladesh. Pakistan could seek help from other Asian countries with comparable characteristics and economic spheres for the successful implementation of penal clauses related to road crashes.

## Results

The legislative framework's development and amendment in the table below shows different years in Pakistan, India, and Bangladesh, along with road safety vehicle ordinances, acts, and penal codes with specific sections. However, these sections of each country represent the response towards road accidents and injuries, punishments, and compensation criteria. The Provincial Motor Vehicles Ordinance (1965) section 94 indicated the driver's responsibilities in

case of road accidents. Pakistan Penal Code (1860) sections (279, 320, 322, 337G, and 427) highlight the penalties for traffic offenses. The Motor Vehicles (Amendment) Act (2019) and Bhartiya Naya Sanhita (2023) indicated the modern approaches towards road safety in the consequences of emerging road accidents in India. The section amendment creates a deterrence for hit-and-run cases and enhances penalties for driving offenses.

**Table: 1 Comparison of Road Safety Legislative Framework in Pakistan, India and Bangladesh**

Asian Countries			
	Legislation Framework	Sections	Year
Pakistan	The Provincial Motor Vehicles Ordinance	Chapter VII control of traffic (94)	1965
	Pakistan Penal Code	279, 320, 322, 337G, and 427	1860
India	The Motor Vehicles (Amendment) Act	161 (A)	2019
	Bhartiya Naya Sanhita	106(2)	2023
Bangladesh	Bangladesh Penal Code	304(B)	1860
	Road Transport Act	105	2018

Furthermore, the Bangladesh Road Transport Act (2018) showed the modern approach towards road safety issues and implemented strict implementations for road accident offenders through strict amendment. The amendment in the India and Bangladesh Road Safety Act in these laws implies the safety of the victims and ensures a legal justice system for them. The development of these laws highlights the efforts towards public safety, upholding justice, and strict accountability to improve the quality of life for all road users.

**Table: 2 Comparative Analysis of Duty of Driver in Road Accidents Circumstances**

Countries	Road Safety Law Sections	Statement
	<b>The Provincial Motor Vehicles Ordinance (1965), chapter VII control of traffic (94)</b>	In case of road accidents, the vehicle that is the cause of the accident and the driver or other individual should: if anyone getting injured or harm by road crashes then took all preventive medical measures to secure the life of road victim, transport them nearby hospitals in case of if the victim has no guardians or victim is minor. Inform the road accident report at nearby police stations quickly or within the twenty-four hours of
	<b>Pakistan National</b>	

	<b>Safety Ordinance (2000) (Section 61)</b>	incidents occurrence.  Whenever a road accident happens, it is necessary to take all possible steps to provide emergency medical treatment for injured persons and transport road accident victims in nearby hospitals.
<b>Pakistan</b>		
<b>India</b>	<b>Indian Motor Vehicles Act 1988, chapter VIII control of traffic (134)</b>	In case of road crashes, if any person is injured, in case of second- or third-party property damage then, the involvement of a specific motor vehicle or owner of the car or other individual in charge shall: (a) took possible medical steps for the injured person and transported nearby hospitals. Further, it is significant to register the injured patient and render medical emergency care without legal procedures. (b) on-call by police officer gives information essential by him, or if no police officer available on the crash event, then reports the circumstances on the nearby police stations.  Good Samaritan law is not responsible for the criminal act for road injuries or deaths of road victims during crashes where injuries and fatalities resulted from Good Samaritan carelessness in calling emergency or failing to provide non-medical services on the spot.
<b>Bangladesh</b>	<b>Indian Motor Vehicles Act (2019), chapter VIII control of traffic (134) A (1)</b>  <b>Bangladesh Motor Vehicle Ordinance 1983, Chapter VII, Control of Traffic (104)</b>	Due to road accidents, persons and property have been damaged; in case of this situation, the driver and vehicle or another individual will be in charge: (a) it is necessary to provide basic emergency facilities to injury person and transport nearby hospitals unless there is no guardian of the injured or in case of minor etc. (b) if there are no police officer then report the incident nearby police station within 24 hours.

The responsibilities of the driver in case of road crashes and person's injury are set out under the regulation of Pakistan Provincial Motor Vehicles Ordinance 1965 (94), Pakistan National Safety Ordinance 2000 (61), Indian Motor Vehicles Act 1988 (134), Indian Motor Vehicles Act (2019) A (1) and Bangladesh Motor Vehicle ordinance 1983 (104). The driver must stop and provide basic information's name, address, and vehicle registration number. The time duration to provide this

information within 24 hours of the crash should not exceed. If the police officers asked for crash circumstances, the driver must explain the whole scenario and if denied the driver can face a penalty. Furthermore, the above table also indicates that it is necessary to transport them to the hospital or provide basic medical facilities in case of road injuries.

Pakistan, India, and Bangladesh mandate emergency facilities and reporting of road accidents within 24 hours. This law represents a commitment to improving road safety through legal requirements for a spontaneous response to emergency services. According to World Health Organization (2020) post-crash response is crucial in the health sector for providing adequate care to road-injured patients at the scene of accidents, managing data and crash response, and facilitating legislative procedures related to accident events.

The impact of India's Good Samaritan law in the real world indicated that it forces its bystanders to help road victims without any fear of legal procedures; this law could enhance the survival rates of road victims in road crashes. On the other way, Pakistan and Bangladesh lack Good Samaritan law, which discourages the bystanders from helping the victims and discourages them from timely interventions by witnesses. All these countries' provisions focused on the treatment of victims; however, the Indian sections mandate the treatment of road victims without any delay, whereas Pakistan and Bangladesh's provisions need to address that gap in legislation.

### **Pakistan**

Pakistan Motor Vehicles Ordinance 1965 (94) mentioned that if a person is injured or expired, drivers or bystanders must give them emergency services. Faizan and Abid (2021) explained that drivers hit and run; it is a failure that drivers do not stop and report road crashes. The drivers of the commercial vehicles have left the vehicles on incidents as they know that the owner of the cars may recover their vehicles. It is a criminal offense where damage and injury have happened. The law requires drivers to stop at crash events and provide details to another driver. When accidents occur, who may help them when victims are injured or die by drivers and they hit and run? The answer is that in that case, there is a dire need for Good Samaritan law entrenched in road safety ordinances; it is an effective Post-crash Response for road crash victims provided by bystanders. Unfortunately, there are no petition files on Good Samaritan law to help road accident victims. Rizwan (2016) added that the Good Samaritan law is only available in the Punjab Emergency Service Act 2006. Still, it is not relevant to bystanders but to workers' first aid services.

### **India**

People are scared to help road accident victims because they face intimidation by the police and unnecessary imprisonment at police stations. According to the Global Alliance of NGOs for Road Safety (2020) report, India does not have a scientific accident investigation agency and trauma programs in India. Road accident victims die due to lack of first aid, and no one helps because of fear of getting into trouble. The good Samaritan law aims to motivate bystanders to rescue victims in their hour of need. However, in developing countries like India, the emergency care system lacks facilities so that Good Samaritan law can help victims of sudden deaths (Rao, 2020).

The law commission of India report states that 50% of road crashes victims are saved and received medical care on time (Save Life Foundation 2013:23). In 2016, the Indian supreme court introduced the “Good Samaritan law” for the bystanders who can help injured people on

roads. The reason is that India Motor Vehicles Act (2019) addition of new section 134 (A) said that; a good Samaritan will not be liable for any road accident injury and death offence where injury or deaths are the causes of Samaritan's carelessness while providing first-aid or non-emergency support. The Act explains that Good Samaritan helps without any reward or compensation at the crash event to injured victims.

According to Save Life Foundation (2013:23), a study on bystanders indicated that bystanders fail to assist road trauma victims. Several causes directly influence the bystander's response, such as fear of police, perceptions, victim's relationship, and numbers of bystanders available on the crash scene. There is a lack of cooperation between the police, hospital staff, and bystanders, leading to the loss of money and time for good Samaritans. As bystanders develop an opinion, that taking road crashes victims to hospitals will create a problem for them, as hospitals, and police demand payment for emergency care. Furthermore, in Hyderabad and Kolkata, India, half of the bystanders respond that they would not take victims to the hospital as they had to pay all the expenses of hospitals. In this study, 74% of bystanders agreed that they are more comfortable helping victims near their recognized surroundings than unrecognized surroundings. Some bystanders lacked emergency care or first aid knowledge as to how to help the road crashes victims and where exactly to take the victim (Save Life Foundation, 2013).

### **Bangladesh**

Bangladesh section (104) indicated that drivers are responsible for stopping at incidents, providing first aid, and contacting emergency services if they are involved in road accidents. When comparing bystander law with Pakistan and India, formerly Pakistan, Bangladesh also does not have Good Samaritan law for bystanders. Sourav (2023) focused on the need for post-crash response in Bangladesh and highlighted the lack of facilities for road accident victims. Bangladesh penal code (1860) section 92 explained that anyone on the road can provide basic first aid to victims with good intentions. The section is limited to criminal liability but does not exempt the person from responsibilities.

### **Critical Analysis on Provision on Duty of Drivers**

Pakistan's accident laws are similar to those of India and Bangladesh. Pakistan doesn't have a law for bystanders in case of a hit-and-run. In contrast, the Indian section (134) of Act 1988 indicates drivers' duty in case of accidents similar to Pakistan's and Bangladesh's. Section (134) mentions starting legal procedures for patients without delay, whereas Pakistan and Bangladesh don't say this step. Furthermore, India Motor Vehicles Amended Act (2019) section (134) A (1) introduces the Good Samaritan Law for Bystanders, whereas Pakistan and Bangladesh don't have this law. Bangladesh Motor Vehicle Ordinance (1983) section (104) guidelines are the same as Pakistan and India. Bangladesh also doesn't have laws for Bystanders and the start of medical facilities without legal procedures.

## Legislation Procedure of Road Offences

Road safety conditions in developing countries including Pakistan, India and Bangladesh worsen with time. An alarmingly high number of road deaths and injuries are registered per year. Furthermore, it is not because of a lack of hospitals but because of poor awareness among people regarding post-crash necessities; lack of money, inadequate knowledge, carefree attitude, and poor practices for road safety may be the main reasons accidents happen in Asian countries and are injured are mistreated further. The road safety rule of law is available in the penal code; it can put the criminal in jail and get justice. Road safety legislation procedure provides justice to road victims and minimizes road crashes.

## Offence Relating Road Accidents in Pakistan

The National Highway Safety Ordinance (2000) focuses on safety measures on Pakistan's national highways; the Provincial Motor Vehicle Ordinance 1969 and Motor Vehicle Rules 1965 govern motor vehicle registration, operation, and safety standards at the provincial and national levels. These three legislative laws play a substantial role in road safety and traffic management.

The Provincial Motor Vehicles Ordinance (MVO) 1965 and Motor Vehicle Rules (1969) had no criminal provisions for driving offenses that cause deaths; it prescribed certain driving behaviors such as section 94 elaborates the duties of drivers in case of accidents, injury or financial loss whereas section 108 is also the sub-section of 94, section 99 indicated reckless and negligent driving behaviors.

**Table: 3 Pakistan Penal Code (1860) Sections Pertaining to Road Accidents Offences**

Sections	Statement
<b>279</b> <b>Rash Driving in a Public Way</b>	Whoever drives in a public place where human life is in danger or is likely to cause hurt or injury shall be punished with imprisonment, which may extend to two years, fines, which may extend to three years, or both.
<b>320</b> <b>Punishment for s by Rash Driving or Negligent Driving</b>	Whoever commits <i>Qat-le-Khata</i> by rash driving is punished with imprisonment for a specific condition that may extend to ten years.
<b>322</b> <b>Punishment for Qatal-bis-sabab</b>	Whoever <i>Qatal-bis-sabab</i> will be liable to <i>diyat</i> .
<b>337G</b> <b>Punishment for Hurt by Rash or Negligent Driving</b>	Whoever is wounded by rash or negligent driving is liable to <i>Arsh</i> and <i>daman</i> specified for the type of hurt caused or may be penalized with custody description for a term that may extended to five years as <i>ta'zir</i> .



<b>427</b>	Whoever commits damage and thereby reasons of loss to the amount of thousand rupees or upwards shall be punished with imprisonment of either explanation of a term which may extend to two years or with fine or with both.
<b>Mischief Causing Damage</b>	

Pakistan Penal Code Sections 279, 320, 322, 337G, and 427 processed for First Information Report (FIRs). If a person is driving rashly and negligently, Section 279 is imposed, whereas Section 427 implements road accidents that result in financial loss to the vehicle. If a person expires in road accidents, sections 320, 322, and 337G imposed, the offender may be behind bars, and the verdict may extend to 10 years. Kiyani (2020) explained that PPC sections 320 and 322 apply to fatal road accidents and the custody of a driver. Section 322 is used during accidents when drivers don't have a driving license. In contrast, section 320 establishes when *Qatal-bis-sabab* commits rash and negligent driving, in addition to *diyat* (compensation) imprisonment, it may extend to 10 years. Furthermore, the sentences for reckless and rash driving are compelling; the process under the code of criminal procedure (CrPC) is complex and extensive. In civil remedying, if a person is injured or expired in road crashes, their family members can be legal representatives and file a case of destruction against the suspect individual and the criminal case.

Pakistan Penal Code addresses the various sections of the legislative framework that address the careless and rash driving cause of death or injury and property damages. Section 279 encouraged safe driving by imposing fines and punishments that cause road accidents due to over speeding. In addition, *Qatal-bis-Sabab* and *Qat-le-Khata* are imposed on fatal accidents and highlight deterrence; however, implementation challenges are due to the country's legal process. Section 337G indicates that compensation for the victims ensures the offender's accountability and focuses on the imprisonment. PPC also discussed minor injuries in section 427; however, the thousand rupees for today are not justifiable for minor wounds. The practical implications of this approach deliver the acuties and readability of the above table and offer insights into how it can affect road safety outcomes.

**Table: 4 Compensation for Injury and Death Under Twelfth Schedule 116-A**

Sr. No.	Death and Injury	Old Amount PMVO (2003)	Latest Amount PMVO (2011)
1	Death	100,000	2,50,000
2	Losing arm above the elbow	-	65,000
3	Losing arm below the elbow	-	50,000
4	Losing leg above the knee	25,000	65,000
5	Losing leg below the knew	30,000	60,000
6	Losing both legs	60,000	1,40,000
7	Losing eyes	60,000	1,40,000
8	Losing thumb	20,000	40,000
9	Losing of two or more teeth	6,000	25,000
10	Fracture of bone	20,000	40,000

11	Losing of finger	20,000	40,000
12	Losing of toe	20,000	38,000
13	Losing sense of hearing	30,000	65,000
14	Any kind of injury put life in endangers or reason of suffering, in space of 20 days, severe body pain, or unable to do or follow simple pursuits	12,000	25,000
15	Indemnification for more than one injury	-	1,40,000
16	Unspecified injury	-	10,000

Road accident compensations for injuries and deaths were revised in 2003 and 2011. The Provincial Motor Vehicles Ordinance (1965) bills explained the end and settlement based on different body part injuries. Above table interpreted that a significant increase from 100,000 to 2,50,000 fines showed the value of human life. It reflected the standards of living and advocacy of human rights. For losing limbs and senses, losing leg above the knee increased from 25000 to 65000, losing legs below the knee increased fines from 30,000 to 60,000, losing both legs increased from 60,000 to 1,40,000, losing eyes risen from 60,000 to 1,40,000 and losing sense of hearing increased from 30,000 to 65,000 indicated the effects of disability on the individual's worth of life. It increased the consciousness regarding severe disability from road accidents and the need for support for people suffering from severe injuries. The fine compensates victims with 1,40,000 rupees when losing both legs and eyes.

Furthermore, major injury compensations increased for losing a finger from 20,000 to 40,000, losing a toe rose from 30,000 to 65,000, and any injury that put life in danger, for example, head injury, increased from 12,000 to 25,000. The injuries that put life in danger and caused suffering and severe pain (increased from 12,000 to 25,000) elaborated the importance of not only physical loss but also pain endured. The increase from 2004 to 2011 in compensation for death and injuries indicated a legislative response to understanding injury and loss and advocacy for fair compensation.

Compensation under the injury and death under the twelfth schedule indicated that the amendment in the latest PMVO reflects an effort to increase the financial burden on the victim and their families. In PMVO, there needs to be more updates from 2011 that highlight that it may not be significant in the current era as inflation and medical expenses are at their peak; it minimizes the real-world effectiveness of these measures. India and Bangladesh increased fines and strict penalties for road injuries and deaths compared to neighboring countries. The death fine in Pakistan is not as significant as it could be; the policymakers could draw inspiration from the neighboring countries that revise compensation for injury and death rates to replicate economic realities.

The issues between the families are solved with the help of compensation, but the researcher has found no exact amount. Social injustice is too high in Pakistan; if a more elevated-status person breaks the traffic signal or is involved in hits and runs, they are treated as VIPs and receive soft corners (Batoool, Cartsten & Jospon, 2011). If we understand the offense-related road accidents case studies, two incidents happened; in 2017, former MPA *Majeed Khan Achakzai* crushed a traffic warden and hit and run. Police arrested him when news circulated on social media and electronic media. After a six-month anti-terrorism court granted bail, MPA settled the issues with the victims' families according to tribal traditions (Shah 2020). On 2 February 2021, four people

were killed over speeding in Islamabad by *Kashmala Tariq's* protocol broke signal and collided with car and motorcycle riders.

In contrast, the whole incident was blamed on her son. Police registered an arrest warrant against her son and family driver; later, the court judge granted him bail before arrest against surety bonds of 50,000 rupees. Later on, two of the victims' families pardoned *Kashmala Tariq's* son and driver and said they had no complaint if they were free on bail (Azeem, 2021).

## India

The Bhartiya Naya Sanhita and Motor Vehicle Amended Act supervised the hit-and-run cases in India. In 2019, the Indian government amended the Motor Vehicles Act section (MVA 1988) after 30 years to increase road safety rules and regulations and extend penalties and punishments (Ministry of Road Transport and Highways, 2019). Bhartiya Naya Sanhita (2023) contains reckless and negligent driving provisions that cause or hurt any individual and public property. Furthermore, Bhartiya Naya Sanhita section 302A covers a statement about deaths caused by road accidents. The punishment will be ten years of jail and a 7lac fine for the offender (Chitnis & Doke, 2024). Moreover, according to the Motor Vehicle (Amended) Act (2019), section 161 indicated that sentences relating to road accidents increased strictly; in compensation hit and run motor accident fines increased from 12,500 to 50,000. The fine will be approximately two lacs in case of death. Compensation has been paid under any other rule for the time being in power; the compensation expense will decrease from the amount under this section (Ministry of Road Transport and Highways, 2022).

**Table: 5 Compensations Provisions for Road Deaths in Indian Motor Vehicles Act (Section 163-A)**

Annual income	3000-4200	5400-6600	7800-9000	10200-11400	12000-18000	24000-36000	40,000
Above 15 years	60-84	108-132	156-180	204-228	240-360	480-720	800
Above 15-20	57-79.8	102—125.4	148.2-171	193.8-216.6	228-342	342-456	760
Above 20-30	54-75.6	97.2-118.2	140.4-162	186.6-205.2	216-324	432-648	720
Above 30-35	50-67.2	86.4-105.6	124.8-144	163.2-192.4	192-288	383-576	640
Above 35-40	50-63	81-99	117-135	153-171	180-270	360-540	600
Above 40-45	50-58.8	756.6-92.4	109.2-126	142.8-159.6	168-252	336-504	560
Above 45-50	50-50.4	64.8-79.2	93.6-108	122.4-136.8	144-216	286-432	480

<b>Above 50-55</b>	50-50	50-52.8	62.4-72	81.6-91.2	96-114	192-286	320
<b>Above 55-60</b>	50-50	50-52.8	62.4-72	81.6-91.2	96-114	192-286	240
<b>Above 60-65</b>	50-50	50-50	50-50	51-57	60-90	120-180	200

Motor Vehicles Act (1988) section 1613-A explained the compensations schedule according to the age of victims who died in road accidents. The offender compensates the victims' families according to his annual income. The road death compensation schedule was not established in Pakistan's judicial system or the Bangladesh Motor Vehicles Act. However, the Pakistan Motor Vehicle Act provides compensation for death and body part injuries.

### **Bangladesh**

In 2019, the government amended the Road Transport Act (2018), which had been circulated in parliament. The Act was published in October 2018 and became effective in October 2019, after a year. This long-awaited road transport act played a role in Bangladesh's transport sector and covered different issues of road safety (Hossain, 2020).

### **Road Accidents Punishment and Fines in Bangladesh**

In Motor Vehicles Ordinance 1983, the maximum punishment for a road accident was two years imprisonment; the time limit for the jail is one month. The highest fine was tk5000, and the lowest penalty is 100Tk. In Road Transport Act, 2018, the highest fine is approximately tk 5lac, and the lowest is Tk5,000 for road crashes offenders. While the punishment can be increased up to five years, even tried as a murder case.

The Road Transport Act-2018 enfolds the main causes of road crashes with severe sentences with unusual punishment. This Act accommodates 126 sections similarly to chapter 11, and sections from 66 to 106 deals with crime, punishments, and trials. Furthermore, the most accomplished section is 105, which facilitates an all-inclusive provision regarding the crime of road crashes. This Act indicated that if any individual gets injured and dies due to road accident, it would be considered a crime under Penal code 1860. Furthermore, penal code section 304 (B) explains that if any person causes road crashes and injured and killed people, punishment will be for five years with a fine in section 105 of the Road Transport Act. Those punishments that are included in section 105 are non-bailable.

In 2018, the Road Transport Act of Bangladesh increased the punishments included in penal code section 304B. The road crashes cases will be filed under the section of road transport act 105, and the law court will fix the punishments according to penal code section 304B with the section of road transport act. Whereas there is no chance of endowment in road transport act about least fines and penalties.

### **Road Accident Victim's Compensation Procedure**

Road transport Act 2018, chapter 9 deals with the Indemnification for road crashes, injury, and deaths. This amendment in the new law leaves the road crashes victim in a poorer situation than the Motor Vehicles Ordinance 1983. The road transport act 2018, chapter 9, and exchanges road

crashes victims' rights to indict motor vehicle owners for Indemnification before any hearing to apply for financial aid. The victim's family members can apply for a petition against road crashes to the board in 30 days in section 61 (1) of the road transport act; if the process is disappointed, they can appeal to the government under section 61 (2). The victim's family can file a case against the government pronouncement and board under section 61 (3).

### **Critical Analysis of Legislation Procedure among Pakistan, India and Pakistan**

The legislation framework on road offenses is the most substantial part of this research and covers the framework of Pakistan, India, and Bangladesh through comparison. In Pakistan, the Pakistan Penal Code still needs to be implemented as it is too old and unfit for the 21st century. The fines and penalties cannot decrease careless and reckless driving and the consequences of this violation's severity of road accidents. India and Bangladesh amended their hit-and-run laws to decrease hit-and-run accidents through stricter penalties and fines for death compensations and injuries. The amendment in the legislation procedure of road offenses in India and Bangladesh guarantees that any driver involved in a road accident case is liable for their actions. India and Bangladesh's legislative framework compensates the victim for damage to either property or grievous injury, medical expenses, and loss of life.

### **Discussion**

The current analysis explored that road accident laws related to accidents in acts, ordinances, penal codes, statements, and explanations are similar in Pakistan, India, and Bangladesh. However, in terms of punishment through fines and punishments, India and Bangladesh upgraded their road safety laws related to road accident offenses.

In the evaluation of road accident offenses, the study underscores the critical importance of prioritizing road safety and individual lives. In India, the Bhartiya Naya Sanhita was updated in 2023, and the Motor Vehicles Act was amended in 2019, imposing stricter punishments, fines, and compensation for road accident offenders. The Purpose of the amendment is to minimize the ratio of road accidents in India, as each year, 50,000 deaths occur (Chitnis & Doke, 2024). Bhartiya Naya Sanhita implemented a fine of approximately 7lac on a person's death of the offender and ten years of imprisonment when the driver hit and run, whereas if the driver reported to the police, then the imprisonment time was 5 years. The penalties are stricter for those running uninsured vehicles and facing legal action. Whereas according to the Motor Vehicle Act (2019), compensation of 2 lacs is imposed in case of death and 50,000 in case of grievous injuries. According to the Ministry of Road Transport and Highways (2022), the number of road accidents in hit-and-run cases in India in 2015 road accidents was 57083, whereas in 2020, it was 52488. The implementation of the law on hit-and-run minimized the road accident ratio. This significant focus on enhancing road safety through legal measures is a testament to the urgent need to protect road users and make roads safer for every individual. Similarly, Bangladesh amended its Road Transport Act in 2018 to impose strict punishments and fines for road accidents, deaths, and injuries. It indicates a parallel effort to enforce road safety regulations through legal means.

On the other hand, Pakistan appears to lag in recognizing the importance of imposing punishments for road crashes. The existing penal code clauses are described as ineffective,

indicating a lack of robust enforcement mechanisms. Additionally, there seems to be confusion and ambiguity regarding allocating responsibilities for road safety management at different tiers of government. This lack of clarity may contribute to ineffective coordination and implementation of road safety measures.

The tendency of authorities to transfer blame to each other further complicates efforts to address road safety challenges effectively. Anthony Giddens, a renowned contemporary sociologist, presented the concept of structuration theory. Giddens explained the nature of the structure in his theory. He believes that structure and actions are interlinked, and these are both unable to work separately. The social actions of individuals develop structures (Institutions), and these actions can produce structure in society; Giddens named this term "structuration."

Furthermore, Giddens discussed that systems and institutes are linked with human actions (Gezgin, 2016). Structuration theory showed an appropriate perspective for road accident laws. The findings explained the absence of post-crash response, good Samaritan law for road accidents, and weak legislation procedure in hit and run for the drivers in Pakistan increased the repeated road violations, road accidents, and weak deterrence in Pakistan, which described the structural restraints described in structuration theory. The problem is that Pakistan needs more coordination between institutions like law enforcement agencies, policymakers, legislators, and government bodies in implementing road accident laws. The individuals in these institutions influence the interpretation and implementation of laws. These gaps are developing loopholes, law inconsistency, and enforcement system failure.

While India and Bangladesh have strengthened road safety legislation and enforcement regarding road accident offenses, Pakistan appears to face challenges, including ineffective enforcement mechanisms and unclear responsibilities for road safety management. Addressing these issues require concerted efforts from policymakers, law enforcement agencies, and other stakeholders to prioritize road safety and implement effective measures to reduce road crashes and fatalities. The gaps in coordination among legislators and policymakers can be addressed through the development of a stronger legislative framework where actions align with planned policies. Pakistan needs to create and involve multiple departments or ministries to cooperate and minimize the blame game so the enforcement of road offenses could improve and strengthen Pakistan's legal procedure and justice system for road victims. In implementing legislative frameworks, it is necessary to introduce training programs for the institutional actors in implementation to miscalculate loopholes in laws due to state actors. The study's uniqueness lies in the detailed comparison of road accident offense laws and their amendments across three countries, adding value to academic research.

## **Conclusion**

The researchers have tried to identify loopholes in the existing laws regarding road accidents by comprehensively reviewing the policy documents of the three countries. Through this comparative analysis, the researchers have identified similarities in clause statements across these countries, particularly between Pakistan, India and Bangladesh. However, despite similar clause statements, the amendments in road safety laws differed, especially in India and

Bangladesh, as they have made specific changes to included punishments for road crash offenders.

India has developed a law called "Good Samaritan law," which saves victims' lives with bystanders' help. Pakistan could make this law and implement it in Pakistan for road victims, reduce the bystanders' fear of legal procedures, and increase the number of witnesses. It is recommended that Pakistan change laws on road offenses in hit and run to build deterrence and strict penalties and fines, as India and Bangladesh increased penalties and fines. Pakistan needs to upgrade the justice system for road offenders and maintain equality for everyone. The amendment could provide valuable insights for policymakers and stakeholders in Pakistan to enhance road safety regulations and enforcement mechanisms in country. The legislative framework amendment could increase enforcement, decrease road accidents, and improve public cooperation.

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