

Suggestions on the Draft Rules for Safety Standards of Children on a MTW

Please see below the points of recommendations and suggestions for the Draft Rules gathered through a consultative process with the experts, business communities, schools, parents, civil society organisations and NGOs.

Following are the Suggestions

The suggestions for the MoRTH to consider for the finalisation of the Draft Rules, based on the consultation meetings and discussions, according to the broad areas of the Draft Rules.

Broad Suggestions on the Rules

1. The ministry should facilitate and allow more elaborate consultations across the country with the civil society groups and organisations, NGOs, experts, users, caregivers and parents of the child, manufacturers and suppliers, standardising and testing agencies, road safety research organisations, state and city governments, enforcing agencies and elected representatives. It needs to understand the ecosystem.
2. The ministry should allow more time for informed decision making, have more evidence and gather scientific information and data from within India and globally before finalising the draft rules related to safety of the child on a motorised two wheeler and the safety equipment.
3. The National Road Safety Board (NRSB) would be a better institution to look at the scientific/technical aspects of the rule making for the safety standards for children on motorised two wheelers. NRSB should be given the task to set up an expert technical committee/ task force for facilitating and overlooking the required background research and consultations for framing of the rules. It can advise the ministry on technical aspects of rule making with regard to the new draft rules.
4. The ministry should consider Section 128, of the Motor Vehicles Act, 1988 regarding carrying a child upto 4 years of age as an additional person on a motorised two wheeler.
5. The WHO mentions leather shoes and fully covered clothing for a child carried on a two wheeler. The rules should prescribe the same for carrying a child on a motorised two wheeler.
6. Beyond certain speeds child transportation on two wheelers should be avoided. Carrying a child of 0 to 4 years on a two wheeler should be prohibited on highways having fast moving traffic and higher speed limits.
7. Zero to four years will be too low an age limit for allowing a two wheeler as a pillion rider. Carrying a child of age upto 4 years on back should be prohibited. It will be better to allow a person sitting behind to hold the child between them and the driver or tied with a harness to the front side of the pillion rider.
8. No loose clothing shall be allowed to be worn by the driver. Must wear bright colour clothes and/or put reflectors on the two wheeler.
9. The rule should suggest the use of a sign for two wheeler carrying a child.

Safety Harness for the Children

There is no experience of the case of use of safety harnesses for children of age 0 to 4 years available nationally or internationally. Also the idea of using the safety harness for the child of this age group is untested. So there is an apprehension, as it may cause harm rather than benefit the user on a motorised two wheeler. These are the suggestions to be considered in this regard.

1. It is suggested to explore Section 128 of the Motor Vehicles Act which restricts the number of passengers/people being carried on a motorised two wheeler to two persons including the driver and the pillion rider. Section 128 can allow carrying a child upto 4 years on a two wheeler accompanied with two adults, making the child sit in the middle of both the riders and ensuring that the pillion rider is responsible for holding the child in between or the child can be harnessed with the pillion rider to the front side of the pillion rider. It is suggested not to harness a child from age 0 to 4 years behind the rider of the two wheeler.
2. The back side is a blind spot for the rider of the two wheeler. The driver has little control over the child resting behind (sleeping, leaning, getting hung on harness due to jerks, etc). A sleeping child may act like a dead load in the back side and might lean to one side tied with the harness. Drivers may also get astonished and distracted suddenly noticing that the child is leaning to any side; this can cause disbalance of the two wheeler and lead to a potential crash. Therefore, it is suggested to consider prohibiting the child of the age 0 to 4 years on a motorised two wheeler alone with the driver.
3. Competing research and testing institutes should scientifically test the harnesses like it was done for the child restraint system, for different age brackets of the child. Proven test guidelines should be developed for the Indian context. This research and data should be peer reviewed by a panel of experts from different domains of health and road safety. Design of the harnesses, strength, load being capacity, dynamics, adjustments, fabric and materials, layering, durability, weight, water resistance, heating conditions should be tested according to the Indian climatic scenarios and standards should be developed for two wheelers.
4. Panel of experienced pediatricians or child specialists must be consulted about the possibility of adopting a safety harness for the child of the age brackets - 0 to 9 months, 9 months to 2 years and 2 to 4 years. This should be in terms of the physiology (shape and size of the baby's body), spine and neck strength, jerk or breaking and sleeping situations, etc of the child of these age brackets. Continuous development and change in the physiology of a newborn to infant in terms of spine, skeleton, muscles and skin, etc should be considered by the panel for this purpose.
5. Please consider the practical aspect of two children being carried on a two wheeler to drop to *Palnagar, Angandwadi* or preschool in the Indian context for the research and making of rules for the same.
6. Also consider the Scooters/Scooty as two wheelers where a child is carried standing in the front of the drive on the vehicle platform quite commonly in the Indian context. Research for this scenario should be conducted for the safety aspect of the child seated on a fixed seat in the front space.

7. If child safety harnesses are found safe in the research and testing, suggest making provision for providing a free child safety harness upon producing the proof that they (person) have a child under the age of 4 years. (This would be similar to the provision of a helmet at the time of purchase of a two-wheeler, as per CMVR Rule 138(f)). It will be beneficial for some parents especially from rural areas and economically weaker groups.

Safety Headgear (Helmet) for the Children

1. Panel of experienced pediatricians or child specialists must be consulted about the possibility of adopting a helmet for the child of the age brackets - 0 to 9 months, 9 months to 2 years and 2 to 4 years. This should be in terms of the physiology, skull thickness, neck strength, jerk or breaking and sleeping situations, etc of the child of these age brackets. Indian children in the context of other health aspects such as malnutrition, etc should also be considered.
2. Competing research and testing institutes like ARAI should scientifically test the impacts of helmets for these age brackets, especially for a 0 to 9 months old child. This research and data should be peer reviewed by the panel of experts from different domains of health and road safety. Proven testing guidelines should be developed for the Indian context.
3. Size or type of the helmet should be specified based on the weight and growth of the child, and not based on the age.
4. Ergonomic and aesthetic design options should be tested. Possibility for a full face helmet should be checked in terms of suffocation, claustrophobia, sleeping, motion sickness, etc. Innovative design, materials and products should be tested, based on the Indian scenario.
5. Bicycle or sports helmets are not designed and manufactured for higher speeds and the impacting materials on the road surface. It should not be prescribed as an alternative which will give a false sense of safety and may lead to negligence.
6. Test the products with the users. Purchasing 3 helmets in a span of 4 years will be too expensive for the users. Cost of the product must be considered.
7. If helmets are feasible, make provisions for providing free helmets with purchase of the two wheelers. Also make provisions for helmet banks for exchange with the growing age of the child. As per the Rule 138(f) of the Central Motor Vehicles Rules a helmet has to be provided when a person buys a two-wheeler. *(f) at the time of purchase of the two-wheeler, the manufacturer of the two-wheeler shall supply a protective headgear conforming to specifications prescribed by the Bureau of Indian Standards under the Bureau of Indian Standards Act, 1986.*
8. Make arrangements for secure keeping of helmets in/with the vehicle.
9. Make provision for counselling of new parents on safety of child during pregnancy period and after birth, including for while travelling on a vehicle like it is done for vaccinations.

Speed Limit for Two Wheeler Driver Carrying a Child

1. The speed limit for a two wheeler carrying a child of age upto 4 years should be suggested to be kept at 25 km per hour. As 25 kmph is the speed limit specified for the areas near schools or in the School Zone as per the MV (Driving) Regulations 2017.
2. There should be proper signage and communications displayed on roads for specific speed limits for the two wheelers carrying a child of this age group.
3. Scientific study should be done for deciding the speed limits for different areas and road types.
4. The speed limits should be distinctive for different areas and types of the roads (asphalt, concrete, earthen, single and multiple lane, divided, undivided, urban, rural, public and internal roads, etc).
5. Children of this age should not be allowed on a two wheeler on highways with higher set speed limits and fast moving traffic.
6. Also set speed limits for other vehicles driving in zones with more children such as day care centers, *Palnagar, Anganwadi*, preschools, children hospitals, clinics, vaccination centers, etc.

Enforcement

1. It is suggested to conduct consultations with enforcement agencies and local elected representatives on the draft rules specially on the enforcement aspects.
2. The date for the enforcement in the draft rule is ambiguous. At one point it says to be in force from the date of notification at another point it says that the driver of the two wheeler will be responsible to follow these rules after one year of notification of the rule. This should be clarified.
3. Please suggest the enforcement for the child's age and method for checking in the rule. There are few photo IDs available for a child of this age in India. What should be the proof of age for the child before they are in any school.
4. Internationally, it is suggested that the child of the age bracket should either be school-going or have their foot reach the footrest of the two wheeler.
5. Elaborate in the rule on the enforcement of the speed limit rules for the two wheelers caring child upto 4 years of age.
6. Rules for adult helmets Section 129 are not enforced in many cities and parts of the country. If that is not enforced effectively no one will follow these rules. It should be enforced for all.
7. The rules should also specify about the child being carried, standing in front of the two wheelers or scooters and for carrying two children on a two wheeler.

Research and Data Collection

1. The accident data for children below the age of 4 should be added as a category in the Road Accidents in India, report published every year by the MoRTH.
2. Research should be commissioned on the types of accidents happening in India and the types of injuries it has caused to the child of this age group by consulting the hospitals and pediatricians.

3. Sample crash investigations should be commissioned for this age group on two wheeler accidents and data should be gathered and analysed for the inputs based on the evidence.
4. More data specific to this age group should be gathered and provided by MoRTH for research and data driven decision making processes.
5. A pilot project study should be designed and implemented that provides the data of accidents, deaths and injuries pertaining to this age group of children in the 3-5 different types of cities of India.
6. Child related study should be conducted with health experts and practicing doctors who are child specialists before deciding on the safety measures for use of helmets and harnesses and their age appropriateness.
7. Competent and experienced research and testing institutions should be commissioned to carry out independent research under the Technical Committee of the NRSB for evaluating the safety gears and standards including crash helmet, safety harness and the additional safety requirements for the Indian children.

Additional

1. The rules should not penalise people rather incentivise them to comply with.
2. Design of the two wheelers should be analysed from a child carrying perspective. Rules could mandate side-wheels on two wheelers carrying children for fall protection.
3. New standards should be developed for more stable two wheeler designs including for carrying children like using additional support, etc. Design can consider secure keeping of helmets.
4. Government should have a certain budget that can carry out outreach programs and campaigns to spread awareness regarding child road safety and conduct feedback surveys.
5. Users should be sensitised on the rules and its benefits. Expected and new parents should be given counselling on child safety, engage doctors and pediatricians of hospitals, clinics, health care centers and experienced parents.
6. Awareness about the use of safety gears should be carried out across the nation including the enforcing agencies and in rural areas.
7. Tax exemption should be provided on the safety equipment and gears for children.
8. Rules should not be conflicting with other industry practices like insurance covers.
9. There should be an information platform for child road safety and included in the test for driving licences.
10. Must take parents' points of view for finalising the provisions of the rules and its implementation.