

THE CYRUS MISTRY ACCIDENT FIASCO - IS IT 'A BLESSING IN DISGUISE' FOR THE INDIAN TRAFFIC STRUCTURE?

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ABSTRACT

The Traffic Rules of India underwent a Revolutionary and Major Change on November 1, 2022 when the Ministry of Transport Amended the Motor Vehicles (Amendment) Act, 2019 and brought in strict reforms for the compulsory wearing of Seat Belts in the Front and the Rear seats of a car. This Amendment also included the induction of six compulsory Airbags in all the cars that would be purchased in and after the year 2023. This article mainly focuses on connecting this whole change to the death of the Famous Indian-Irish Business Tycoon and Former TATA Group Chairman, Cyrus Pallonji Mistry, who lost his life in an Accident due to the break failure of his Mercedes-Benz GLC 220d 4MATIC. This article also throws light on how and since when the issue of compulsory seat belt wearing has been a hot topic, but was never addressed by the Government. Taking you through the pages of History, this article would provide a detailed study of Cyrus Mistry's death, the investigation report of his post-mortem, the changes that it brought in the legal field, the amendments in law and last not least, my personal views as to how do we go about reducing the extent of Accidents in India in the coming future.

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INTRODUCTION

It's a famous saying that humongous disasters lead to great reforms. The saying has proved itself in various instances in different situations and many times in Indian History too. The integration of the Indian Subcontinent, The Abolishment of Social Evils like Sati and Child Marriage, as well as the Making of the Indian Constitution, were after effects of Major disasters that shook India and made the nation feel the necessity of reform. A disaster instills the feeling of realization among the common people as well as the government, of a deficiency that caused

that particular Fiasco. Well, there are innumerable such incidents to count upon, but an Incident that happened quite recently shook the nation to its roots.

The Indian Roadways System owns itself Second Place in the length of Roadways all over the world, and every year the Indian Government spends over 1.8 Lakh Crores on the development and maintenance of these Roads. For better management, the Roadways have been divided under the jurisdiction of NHAI, State Roadway, District Roadway, and Village Roadway Authorities. Also, Indian Constitution specifies various laws describing the different Traffic rules to be followed with over 3 Lakh Traffic Policemen Executing them on ground level.

Yet the fact that haunts India is, that India has been consistently holding the position in the top 10 countries that face the brunt of maximum Accidents in the World, with over 1.5 Lakh deaths Happening per year. This Article too talks about an accident, an accident that had the potential of disrupting the whole idea of the Indian Traffic System, an accident that catechized the structure of the cars being built, and the Indian Laws related to Traffic. The Tragic Death of the Indian Business Tycoon and Former TATA Chairman, Cyrus Pallonji Mistry.

THE INCEPTION OF THE TRAGEDY

The day of September 8, 2022, proved to be an unexpected and disastrous one for the Mistry kith and kin. The well-known family of famous entrepreneurs was a very religious as well as munificent family which made regular trips to [Iranshah Atash Behram](#) at [Udvada](#). According to the priest's claim, the Big Cheese along with Jahangir Pandole (aged 55), Anahita Pandole (55), and Darius Pandole visited the Zoroastrian Shrine to pay homage and enchant prayers following the death of Dinshaw Pandole and Pallonji Mistry on September 8. They took a car Journey from Mumbai to Udvavda in their Mercedes Benz-GLC which was driven by Anahita Pandole. During the Journey back to Mumbai, their car crashed at a speed of 90 km/h (56 mph) into a road divider on a bridge on the [Ahmedabad - Mumbai, National Highway 8](#) over the [Surya River](#) near [Charoti](#) in the [Palghar district](#).¹

Both Jehangir Pandole and Cyrus Mistry being seated in the back seat, without putting on their seat belts kicked the bucket instantly after hitting the rear seat of the passenger car.

¹ Cyrus Mistry Death Reason: Know Mercedes car accident cause, what preliminary probe found - All details here", ZeeBusiness, < <https://www.zeebiz.com/trending/news-cyrus-mistry-death-reason-know-mercedes-car-accident-cause-what-preliminary-probe-found-all-details-here-197374> > Accessed on February 12, 2023

Cyrus Mistry suffered a serious head injury along with a plethora of fractures in the chest, head region, thigh, and neck, which led to his death on the spot. Severe and Gross injuries to vital organs served to be the Cause of Cyrus and Jahangir's death. Dr. Anahita Pandole being the driver, and her husband Darius Pandole were seated in the front seats, and they managed to survive their injuries due to the sole cause of wearing seat Belts.

WHAT DID THE INQUIRY AND THE REPORTS SAY?

Accidents might be everyday news in India but, such a big gun, an entrepreneur who's headed the Tata Industries dying in a car accident, that too on the back seat of a vehicle, was not something that the country as well as the media was ready for. The media and the Maharashtra Police asked for an immediate inquiry and the same did happen. A seven-people forensic investigation team looked into what caused the collision and came to the conclusion that the bridge's "faulty construction" was to blame, and that the passengers' failure to utilize seat belts contributed to their deaths. But this chaos wasn't destined to stop here and it went quite further.

Pandole was accused by police in Palghar, Maharashtra, of reckless and negligent driving after it was discovered that she had a history of breaking traffic laws. According to officials, she had received 19 e-challans between 2020 and 2022, 11 of which were for speeding. According to preliminary investigations, the vehicle was traveling at a speed of 100 km/h until five seconds before the crash, and Pandole applied the brakes 3.5 seconds before contact, slowing the vehicle to 89 km/h. The quick braking caused Mistry and Jehangir, who were in the back, to crash into the front seats and sustain serious injuries.

Further Investigations, opened many doors to this Accident's actual reason. While some blamed it on the passenger's negligence of not wearing seat belts, the Police are reported to have said that it all happened due to the faulty and malign structure of the highway they were traveling on. The bridge parapet wall was sticking out into the shoulder lane. It had been determined that the design was flawed. Unexpectedly, a three-lane highway became a two-lane highway with an L-shaped concrete divider. The concrete partition reached knee height and was poorly painted. There were no roadside warnings at this location, and there had been multiple accidents there in the past. Mistry's vehicle had collided with a divider at a bad intersection. According to police officials and a report by the NHAI, 262 incidents occurred on the 100-km Mumbai-Ahmedabad highway this year between Ghodbunder in Thane and

Dapchari in the Palghar district, resulting in at least 62 fatalities and 192 injuries.² His passing away also sparked a discussion about inconsistent road construction and the use of seatbelts by people in the backseat.

Where the Traffic Rules clearly mentioned the wearing of seatbelts in the front seats to be a compulsory task, there was no law about the belts in the rear seats of the car. The SUV Cyrus Mistry, the former chairman of Tata Sons, was driving on Sunday was a Mercedes-Benz GLC 220d 4MATIC. It boasts a number of safety systems to protect the occupants, but unlike other high-end vehicles, it lacks airbags for the back seats. While the investigation opened new gates of information for the media, the discussion about the seat belts and the compulsory Airbag feature for rear seat passengers was a necessity that was highly talked about.

THE TURN OF TABLES IN THE LEGAL FIELD

While the Nation wasn't yet over with mourning the death of one of the finest Business Tycoons of India, the Road Ministry of India, headed by Union Minister Nitin Jairam Gadkari sounded quite firm to amending the Traffic Rules related to Seat Belts in India. The history of the Traffic Rules says that a 2004 notification that went into effect in 2005, in accordance with the Central Motor Vehicles Regulations, made the use of the rear seatbelt mandatory According to Section-125(1A), every motor vehicle of the M-1 category (cars and other four-wheelers) must be equipped with a seatbelt for the person sitting in the front seat or the back seat.³ As per Section 381, the rule only applied to the driver and the person occupying the front seat.⁴ Everyone in a car, including the person sitting in the front seat or the passengers occupying front-facing rear seats, must wear a seatbelt while the automobile is moving.

The Mumbai traffic police mandated the use of seat belts for all car occupants beginning on November 1, including those in the back seats, on October 14. Drivers of cars without seat belts in the front and back seats may be punished. The announcement is made in accordance with Section 194(b) of the Motor Vehicles (Amendment) Act, 2019.⁵ The Union Ministry of Road,

² Cyrus Mistry death: Anahita Pandole, who was driving Mercedes, out of hospital”, Hindustan Times, December 22, 2022, < <https://www.hindustantimes.com/india-news/cyrus-mistry-death-anahita-pandole-who-was-driving-mercedes-out-of-hospital-101671716461181.html> > , Accessed on February 14,2023

³ <https://indiankanoon.org/doc/1695755/>

⁴ <https://indiankanoon.org/doc/935822/>

⁵ [https://www.indiacode.nic.in/show-data?actid=AC_CEN_30_42_00009_198859_1517807326286&orderno=218#:~:text=\(2\)%20Whoever%20drives%20a%20motor,l](https://www.indiacode.nic.in/show-data?actid=AC_CEN_30_42_00009_198859_1517807326286&orderno=218#:~:text=(2)%20Whoever%20drives%20a%20motor,l).

Transport, and Highway has released proposed regulations requiring auto manufacturers to place seat belt alarms in every seat of every car, regardless of size.

The new penalty has been increased to an amount of rupees 1000. Though a lot of people tried to revolt against this, coming up with different sorts of excuses, the Public as a total gave a positive response to this Amendment. The Mumbai Police is said to have taken a unique approach, where the first 10 days of the new law i.e.; from November 1-9, they went easy on the offenders and made them understand the importance of the new rule. Also, in a statement earlier this year, the Ministry of Road Transport and Highways (MoRTH) noted that it had been determined to improve safety features by revising the Central Motor Vehicles Rules (CMVR), 1989, in order to increase the safety of motor vehicle occupants against lateral collision.⁶

The requirement that vehicles of category M1, manufactured after October 1, 2022, be equipped with two side/side torso airbags, one for each person occupying front row outboard seating positions, and two side curtain/tube airbags, one for each person occupying outboard seating positions, was announced in a draught notification that was published on January 14, 2022.⁷

TAKE OF NHAI (NATIONAL HIGHWAYS AUTHORITY OF INDIA) AND THE ROAD SAFETY BODIES

This incident indeed proved to be a nightmare for the local road safety bodies, the State Road Regulatory Bodies, and also the NHAI (National Highways Authority of India). They mentioned that The National Highway Authority of India (NHAI) is in charge of building and construction of the road, but a private company that collects tolls is in charge of maintaining it. In accordance with the regulations, a crane, patrol vehicles, and an ambulance must be placed on standby every 30 kilometers, which happened to be absent that day.

After this serious mishap and negligence by the NHAI and other authorities, it has been decided to look into the reconstruction of the stretch between Mumbai to Gujarat which has been a live

⁶ <https://morth.nic.in/central-motor-vehicles-rules-1989-1>

⁷ Penalty for not wearing rear seat belt not new, only hiked”, Times of India, September 9, 2019, <<https://timesofindia.indiatimes.com/india/rules-for-wearing-rear-seat-belts-in-force-since-2005/articleshow/71054288.cms>>, Accessed on February 11, 2023

site for over 150 accidents in past 5 years.⁸ In addition to that, The NHAI has scrutinized strict policies to look into the development and proper maintenance of roads and keeping an eye on the work being done by the State and the District Traffic Bodies.

IMPLEMENTATION PROCEDURE AND CONCLUSION

While all these moves have been welcomed by the public and the Government, somewhere deep down everyone knows that this isn't the end of the massacre. The daily accidents continue, people are still driving recklessly on roads while drunk, and there are still places where Traffic Police Officers are being corrupt and earning a side income rather than fining the daily commuters who break traffic rules.

It's a proven fact that it takes time for a judgment to be settled and followed by the public, probably we have to wait for some coming years to see the results of this famous amendment, but one thing we need to keep in mind is that this isn't been the first time when the Seat Belts issue has taken the limelight. Earlier, in 2012 and 2014, after the death of the famous Actor Jaspal Bhatia and Politician Gopinath Munde respectively, due to a car accident, the issue of not wearing a seatbelt was a hue and cry among the media. A lot of political debates and attempts to amend the rules by the local traffic forces took place but all of them proved to be futile in the coming time.

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Despite the changes and stricter regulations in place, only 43 persons were reportedly stopped by Delhi traffic police in 2021 for failing to buckle up in the back.⁹ They contend that it is impossible to manually monitor every car. The public has to be awakened and they have to be counseled about the importance of Traffic Rules. All sections of society have to be made aware of the fact that, the lives lost every year due to road accidents have already reached an alarming rate and it's the people who can bring about a change in their approach towards traffic laws. At the same time, the Local as well as the Traffic Police officers have to be taken under strict surveillance and all the necessary moves need to be taken to counter Corruption and Bribery from the roots. Some also mistakenly believe that passengers in the front seats will be affected more severely in an accident than those in the back. Additionally, they overlook the fact that

⁸ Rear seat belt: Why do we give it a miss and how the rule can be put into place”, India Today, October 16, 2022, <<https://www.indiatoday.in/india/story/rear-seat-belt-why-do-we-give-it-a-miss-and-how-the-rule-can-be-put-into-place-2285925-2022-10-16>> Accessed on February 11, 2023

⁹ Cyrus Mistry accident | Case of rash driving filed against Dr. Anahita Pandole”, The Hindu, November 05, 2022, <<https://www.thehindu.com/news/cities/mumbai/cyrus-mistry-accident-case-of-rash-driving-filed-against-dr-anahita-pandole/article66100663.ece>> Accessed on February 16, 2023

rear seat belts are a casualty in their haste to cover the seats. The US Insurance Institute for Highway Safety (IIHS) in one of its studies proved the fact that passengers in the rear seat without putting on seat belts are more prone to injuries by eight times more than those who are sitting in the front seats without their seat belts on.¹⁰

As the Transport Ministry of India has already done the needful, now it's time for the execution bodies to buckle up and make sure that the amendment of the rules benefits the country's larger share of the population. Where the nation is progressing towards building wider and faster roads, it's their responsibility to ensure the passenger's safety too. The administration and the relevant department are responsible for seeing that the rules are followed. If not, those who violate the law must be punished. The Nation would wait to see the result of this so-called "Blessing in Disguise".



¹⁰ Rear seat belt: Why do we give it a miss and how the rule can be put into place”, India Today, October 16, 2022, < <https://www.indiatoday.in/india/story/rear-seat-belt-why-do-we-give-it-a-miss-and-how-the-rule-can-be-put-into-place-2285925-2022-10-16> > Accessed on February 11, 2023